

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK  
SYRACUSE DIVISION

-----x  
JAMES DEFERIO,

Plaintiff,

vs. CIVIL ACTION NO.: 5:16-CV-0361 (LEK-TWD)

CITY OF SYRACUSE; FRANK FOWLER,  
in his official capacity as Chief of  
Police for City of Syracuse Police  
Department, JOSEPH SWEENEY, individually  
and in his official capacity as Captain  
for the City of Syracuse Police Department  
and JAMEY LOCASTRO, individually and in  
his official capacity as Sergeant for the  
City of Syracuse Police Department,

Defendants.

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Deposition of BARRIE GEWANTER, held on May 2, 2017,  
commencing at 2:27 p.m., at Precision Reporters, P.C.,  
One Lincoln Center, Suite 750, Syracuse, New York,  
before Erica Bedford, Court Reporter and Notary Public  
in and for the State of New York.

A P P E A R A N C E S

For Plaintiff: CENTER FOR RELIGIOUS EXPRESSION  
699 Oakleaf Office Lane  
Suite 107  
Memphis, Tennessee 38117  
BY: MARK A. MANGINI, ESQ.

For Defendants: OFFICE OF THE CORPORATION COUNSEL  
City of Syracuse  
233 East Washington Street  
City Hall Room 300  
Syracuse, New York 13202  
BY: TODD M. LONG, ESQ.  
AMANDA R. HARRINGTON, ESQ.

## 1           I N D E X    O F    T E S T I M O N Y

2   EXAMINATION OF BARRIE GEWANTER    Pages

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## 1           I N D E X    O F    E X H I B I T S

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1                   FEDERAL STIPULATIONS

2  
3                   IT IS HEREBY STIPULATED AND AGREED by and  
4 between the attorneys for the respective parties that  
5 the presence of the Referee be waived;

6                   IT IS FURTHER STIPULATED AND AGREED that the  
7 witness shall read and sign the minutes of the  
8 transcript within 60 days upon receipt, and that the  
9 filing of the transcript be waived;

10                  IT IS FURTHER STIPULATED AND AGREED that all  
11 objections, except as to form, are reserved until the  
12 time of trial;

13                  IT IS FURTHER STIPULATED AND AGREED that this  
14 Deposition may be utilized for all purposes as provided  
15 by the Federal Rules of Civil Procedure;

16                  AND FURTHER STIPULATED AND AGREED that all  
17 rights provided to all parties by the Federal Rules of  
18 Civil Procedure shall not be deemed waived at the  
19 appropriate sections of the Federal Rules of Civil  
20 Procedure shall be controlling with respect thereto.

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GEWANTER - MANGINI

1                   B A R R I E    G E W A N T E R, called as  
2 a witness and being duly sworn, testifies as follows:

3                   EXAMINATION BY MR. MANGINI:

4                   Q     Okay. Ms. Gewanter, my name is -- like I  
5 said before, my name is Tony Mangini, I'm an attorney  
6 for the Center for Religious Expression and I'm  
7 representing Mr. Jim Deferio in his case against the  
8 City.

9                   So for the record, would you please state  
10 your name?

11                  A     First name B-A-R-R-I-E, Barrie. Last  
12 name G-E-W-A-N-T-E-R, Gewanter.

13                  Q     Got it.

14                  A     You said you were with the Center for --

15                  Q     Religious Expression.

16                  A     Thank you.

17                  Q     Okay. So if you would, just tell me  
18 about yourself. What do you do?

19                  A     I'm a human rights and civil rights  
20 advocate.

21                  Q     Okay. And how long have you been a civil  
22 rights advocate?

23                  A     Back to the mid 1980s.

24                  Q     Okay. And where do you -- where do you  
25 presently work?

## GEWANTER - MANGINI

1           A     Currently I work for Onondaga County.

2           Q     Okay. Okay. Where have you worked in  
3 the past?

4           A     How far back do you want me to go?

5           Q     Let's -- let's just go to the 1980s, you  
6 mentioned.

7           A     Okay. My previous job was with the New  
8 York Civil Liberties Union. I've also worked for the  
9 Syracuse University football team, Syracuse University,  
10 University of Missouri at St. Louis, Maryville  
11 University, Syracuse University, a number of different  
12 other community colleges, the International Institute in  
13 St. Louis, and that's bringing us back into the '80s.

14          Q     Okay. Okay. So what did you do as part  
15 of the New York Civil Liberties Union?

16          A     I was Executive Director of the Central  
17 New York Chapter.

18          Q     Okay. And what did you -- what did you  
19 -- what did that position entail?

20          A     Many, many different responsibilities.  
21 It was a multifaceted position.

22          Q     Okay. Could you give some examples,  
23 please?

24          A     Sure. When people called the office with  
25 a complaint or a question, I would respond. I

## GEWANTER - MANGINI

1           interacted with the New York City office. I assisted  
2 organizations that had civil liberties questions or  
3 concerns. I spoke to the media and in the public about  
4 matters of civil and human rights concerns and civil  
5 liberties. I gave educational presentations. I work  
6 with other community groups. That is sort of a rough  
7 outline.

8           Q        Okay. What other kind of community  
9 groups have you worked with?

10          A        Almost too many to name. I can give you  
11 a couple of examples.

12          Q        Sure.

13          A        The Syracuse Peace Council, Pax Christi  
14 in Utica, Pax Christi in Elmira, CNY Pride, Disabled In  
15 Action, a number of nonprofit human services agencies.  
16 I've worked with unions and other entities in the labor  
17 movement. The CNY Workers' Center and many, many other  
18 organizations.

19          Q        Got it. Got it. Okay. So what's your  
20 relationship with CNY Pride been like?

21          A        I participate in the Pride event. I have  
22 also assisted them with parade setup, with police  
23 liaison activities, assisted them in helping them figure  
24 out how to fill out permit requests.

25          Q        Okay.

## GEWANTER - MANGINI

1           A     I -- when we set up for the parade, I  
2 chalk on the sidewalk or the street where each group is  
3 going to set up, and I work with the parade coordinator  
4 to get everybody in line. Also, when I was with the  
5 NYCLU and now that I'm with the County, I also set up a  
6 booth at the festival and do the normal outreach and  
7 interaction things you do in an outreach display booth.  
8 And I also participate in the parade, usually driving.

9           Q     Okay. Got it. Do you have an official  
10 position within CNY Pride?

11          A     I do not.

12          Q     Okay.

13          A     I have never been a member of their  
14 board. I have never paid dues. I may have made a  
15 donation once or twice and bought a t-shirt.

16          Q     Okay. So could you give us a little more  
17 detail on how you assist with the parade permit process?

18          A     It depends on the year.

19          Q     Okay.

20          A     So I can tell you that sometimes people  
21 that want to do some kind of public parade or public  
22 assembly are not familiar with the documents that the  
23 City requires by way of seeking a permit. And they're  
24 also not aware of whether or not they need a permit for  
25 certain types of demonstrations.

## GEWANTER - MANGINI

1           Q     Okay.

2           A     So I would clue them in on what forms  
3 they need.

4           Q     Okay.

5           A     And what -- what is being requested on  
6 the different lines.

7           Q     Got it. Got it. Okay. And so how long  
8 have you been involved with CNY Pride in that -- in that  
9 capacity?

10          A     Hard to put a particular year on it. I  
11 don't remember precisely when I started. It was before  
12 2013, probably not before 2008, but I'm not sure  
13 precisely.

14          Q     Okay. So what's the -- could you tell me  
15 a little bit about the CNY Pride festival?

16          A     Sure. It's an annual gathering to  
17 celebrate the members and diversity of the LGBTQ  
18 community in this region, and particularly in the  
19 Syracuse area. There are vendors with hot dogs and ice  
20 cream and drinks. There's a stage with performances.  
21 There are various organizations with booths that are  
22 providing information, some vendors that sell things.

23          Q     Okay.

24          A     And there's also a family area.

25          Q     Gotcha. Okay. So what's the purpose of

1 the festival?

2 A I think I said that. To celebrate the  
3 LGBTQ community in all its diversity.

4 Q Okay. Got it. Got it. Okay. So who  
5 attends these festivals?

6 A Anybody that wishes to.

7 Q Okay.

8 A It is open to the public.

9 Q Okay. And where is it held?

10 A It's been at different places over the  
11 years.

12 Q Okay. Where has it been held, I guess --  
13 well, could you identify those locations, please?

14 A I can. Most currently and for the past  
15 couple of years it's been held in the Inner Harbor Park  
16 in Syracuse. In past years -- and I don't remember  
17 precisely when -- it was held in the Everson Plaza.

18 Q Okay.

19 A Before that, it may have been held in  
20 another downtown plaza, not Clinton Plaza but nearby.

21 Q Got it. Got it. Okay. So what does CNY  
22 Pride have to do in order to hold a festival?

23 A Anything that any other group that would  
24 put together a festival.

25 Q And what would that entail?

1           A     Communicating with vendors, communicating  
2 to get permits, communicating to arrange for power, to  
3 arrange for whatever clearances are needed, to  
4 communicate with performers, to get publicity out.

5           Q     Okay.

6           A     Those normal things that go into putting  
7 on an event that is an outdoor event.

8           Q     Got it. Okay. So do you have an idea of  
9 how the City's permit process works for festivals?

10          A     I had -- I have an idea, yes.

11          Q     Okay. Could you describe what your  
12 understanding of that process is?

13          A     Well, the process has changed over time.

14          Q     Okay.

15          A     But there are forms that you need to fill  
16 out, which then go into the permits office, and that's  
17 the current situation. And then the permits office  
18 checks with other departments within the City and seeks  
19 approval for the request or conditions, and then that's  
20 communicated back to the requester.

21          Q     Got it. Okay. And how long has that  
22 been the process?

23          A     I can't tell you precisely. It used to  
24 be that you filled out a parade or assembly request  
25 directly to the police department. And a number of

1 years ago -- and I don't remember precisely when --  
2 those functions became centralized through the permits  
3 office.

4 Q Gotcha. Do you have a ballpark estimate?

5 A Not really.

6 Q Okay. Okay. And what was the permit --  
7 sorry. You did say that. Okay.

8 So have you personally been involved in  
9 the process of getting CNY Pride a permit for the CNY  
10 Pride festival?

11 A I have assisted them in figuring out what  
12 to put on the permit, and I had participated in a couple  
13 of pre-event meetings with the police.

14 Q Okay. So let's -- let's get the first of  
15 those first. What -- how -- in what way do you assist  
16 with the requests that CNY Pride wants to put on their  
17 permits?

18 A One of the things about filling out the  
19 forms is to be as precise in your language as possible.  
20 And a lot of laypeople don't understand how to be  
21 precise in the language, so I sometimes will help them  
22 with that precision in their language as far as starting  
23 point of a parade, ending point of a parade, times for  
24 gathering versus times for starting. That kind of  
25 thing.

## GEWANTER - MANGINI

1           Q     Okay. The second thing you mentioned  
2 there was the conversations with the City. Could you  
3 elaborate on that? What kind of conversations have you  
4 had with the City?

5                   MR. LONG: Object to form.

6                   MS. HARRINGTON: Object to form.

7                   THE WITNESS: Okay. So when there's  
8 an objection --

9                   MS. HARRINGTON: You can still --

10                  THE WITNESS: -- I answer but the  
11 objection goes on the record?

12                  MS. HARRINGTON: Yes.

13                  MR. LONG: Correct.

14                  A     Specifically in reference to CNY Pride  
15 and the parade or the festival, the conversations have  
16 been about where they're going to set up one year as  
17 opposed to another year, what they would like to see  
18 from the police, what the police would like to see from  
19 them. A lot of what I've done is help them arrange a  
20 meeting date and then make sure that the communication  
21 happened two-way because the primary communication is  
22 between the police and Pride.

23                   EXAMINATION BY MR. MANGINI:

24                  Q     Gotcha. Okay. So what kind of things  
25 has CNY Pride requested from the police?

1           A     They have requested a parade route, which  
2 has changed from some years to other years. They have  
3 requested that police ensure that they are able to --  
4 their participants are able to gather and express their  
5 messages without interference within a boundary area.

6           Q     Okay. What do you mean by interference  
7 within a boundary area?

8           A     There was a period where the lineup for  
9 the parade was in front of city hall. And there were  
10 some protesters that would come in and among the people  
11 that were gathering to get ready for the parade and yell  
12 and scream at them and say things that were considered  
13 very inappropriate by some of the members there.

14           Q     Okay.

15           A     And this caused distress. The police did  
16 not want to have any flashpoints of confrontation that  
17 could escalate. Neither did the people from Pride. So  
18 the police asked Pride to either put like caution tape  
19 or police tape or barricades around a defined area where  
20 they were going to gather so that the police had a clear  
21 sense of where the permitted area was for the lineup for  
22 Pride versus where the public areas were. And I helped  
23 facilitate that discussion.

24           Q     Okay. Do you remember approximately when  
25 that discussion was?

1           A     Not precisely. It was definitely before  
2 2013. I don't remember precisely when those discussions  
3 started. It was somewhere between 2006 and 2010, but  
4 I'm not sure precisely.

5           Q     Okay. So how does CNY Pride and the City  
6 collaborate regarding the festival and the permits?

7           MR. LONG: Object to form.

8           A     Through conversations and e-mails.

9           MR. MANGINI: Okay. Okay. So what  
10          -- let's start with this. We can label  
11          this Exhibit 1.

12          THE WITNESS: Is this something you  
13          want me to examine?

14          MR. MANGINI: Yes, yes, please. And  
15          just so you know, so far most of the --  
16          most of these exhibits are going to be  
17          ones we've already encountered.

18          MR. LONG: So that's already Exhibit  
19          1 from the previous deposition?

20          MR. MANGINI: I believe so, yeah.

21          MS. HARRINGTON: If it's already  
22          been -- well, never mind.

23          THE WITNESS: So I'm looking at an  
24          e-mail from Chris Shepherd to Sam White,  
25          Patrick Naylor and Mary Beth Roach dated

## GEWANTER - MANGINI

1                   June 16th, 2014?

2                   MR. MANGINI: Yes.

3                   THE WITNESS: Okay.

4                   (A discussion was held off the record.)

5                   (Whereupon Exhibit No. 1 was marked for  
6                   identification, 5/2/17, EAB)

7                   EXAMINATION BY MR. MANGINI:

8                   Q     Do you recognize this document?

9                   A     I do not.

10                  Q     Okay.

11                  A     And I don't see me as a CC on this.

12                  Q     Gotcha. Okay. Okay. Do you have --  
13 sorry. Scratch that.

14                  Were you participating with CNY Pride at  
15 this point in 2014 helping them set up the festival and  
16 get permits and that kind of thing?

17                  A     Well, I didn't help them set up the  
18 festival and I don't have a precise recollection of what  
19 I did in 2014. And I'm not in possession of any  
20 documents that would refresh my memory.

21                  Q     Gotcha. Okay. Okay. Let me just --  
22 let's go ahead and go down to this last paragraph here.

23                  A     Uh-huh.

24                  Q     Where it mentions -- actually, just read  
25 that and let me know when you're done.

1           A     Okay.

2           Q     So do you know what Mr. Shepherd is  
3 referring to here when he says, "protesters intruding on  
4 the parade route as happened in 2012"?

5           A     I -- I don't want to comment on what  
6 Chris intended. I don't know what his motivation was  
7 for those words.

8           Q     Got it. Okay. Okay. But beyond his  
9 motivation, do you know what incident or incidents he  
10 was referring?

11          A     I have no idea what specific incident  
12 he's talking about in 2012. I will say that there was a  
13 general concern about protesters that were critical of  
14 the celebration of LGBT -- LGBTQ lives that was the  
15 focus of the festival. There was a concern about them  
16 actually coming on top of the parade route and getting  
17 very close to the people that were traveling on the  
18 parade route as part of the parade.

19          Q     Okay. Okay so what was that concern  
20 based on?

21          A     Past experience of protesters that were  
22 critical of the message of the Pride celebration getting  
23 right on top of individuals that were in the  
24 celebration, especially in regards to parents with  
25 children.

1           Q     Okay. And when you say the parade route,  
2 are you referring to the street? Are you referring to  
3 the sidewalk? What are you referring to?

4           A     The parade route is on the street.

5           Q     Okay.

6           A     The parade route does not permit the  
7 sidewalk for the purposes of the parade.

8           Q     Got it. Okay. If I could direct your  
9 attention to this paragraph here, where it says, "This  
10 should leave unchanged our request for use of the  
11 sidewalks." Do you know what request that is referring  
12 to?

13          A     It's hard to tell because this doesn't  
14 tell what time, whether this is at the end of the  
15 parade, at the beginning of the festival, so it's really  
16 hard to tell without a time reference.

17          Q     Gotcha. Okay. Would you have an idea of  
18 which one he's referring to if it -- if it were either  
19 before or after?

20          A     Well, he refers to the use of the  
21 sidewalks at the end of the route surrounding the  
22 immediate perimeter of the entrance to Inner Harbor  
23 Park, and I'm just quoting his words there. So what I'm  
24 assuming is that he's talking about the sidewalks  
25 adjacent to the driveway into the Inner Harbor Park

1 parking lot where the festival takes place.

2 Q Okay. And so what is he requesting about  
3 that area?

4 A I can only look at the words that he has  
5 written. I -- I can't do anything other than -- than  
6 read the words that he's written.

7 He says our request -- I request -- and  
8 this is his terminology, "I request use of sidewalks."

9 Q Gotcha.

10 A So I don't know what he meant by use of  
11 sidewalks since I can't read his mind back in 2014.

12 Q Okay. Okay. But you didn't happen to  
13 have any independent knowledge about what that was  
14 about?

15 A It probably referred to the idea of  
16 having people that were entering the festival through  
17 that driveway and via the sidewalks adjacent to it, be  
18 able to pass freely without having somebody yelling and  
19 screaming directly on top of them.

20 Q Okay. Okay. So do you know the  
21 identities of any of the protesters he's referring to in  
22 this last paragraph again?

23 A I can't -- no. Actually, if you're  
24 talking about 2012, I don't have a precise idea of who  
25 he's referring to.

1           Q     Okay. What about other years?

2           A     The only protesters that I am aware of  
3 that have protested in the past, besides Mr. Deferio,  
4 are a group from a conservative Catholic church in the  
5 area who protested on the perimeter near city hall. But  
6 beyond that, I'm not sure of anybody's precise identity.

7           Q     Okay. So what is your -- scratch that.

8                   Do you have any prior history with  
9 Mr. Deferio?

10          A     Direct history, no. He's been present at  
11 protests I've been at. And I've observed his protest  
12 and the protests of others and the interaction from  
13 afar, but that's it.

14          Q     Okay. And what --

15          A     I think he's yelled at me a couple of  
16 times.

17          Q     Okay. Okay. And do you recall what he  
18 yelled?

19          A     Not precisely, but it was not  
20 complimentary and I just chose not to engage.

21          Q     Okay. So I guess if you could, could you  
22 kind of explain what -- what kind of events in the past  
23 you have observed Mr. Deferio at?

24          A     I can't really recall anything other than  
25 LGBT events when I've seen him. I think I may have seen

1 him on a street corner downtown near the old location  
2 for the bus transfers, which was actually right  
3 downstairs at the corner of I think Jeff -- not  
4 Jefferson -- Fayette and Salina, but other than that, I  
5 don't have any precise recollection.

6 Q Okay. Do you recall when was the -- how  
7 long have you been familiar with him?

8 A I wouldn't say I'm familiar with him at  
9 all.

10 Q Okay. When is the first time you can  
11 recall seeing him?

12 A I don't have a precise recollection. I  
13 really don't.

14 Q Okay. Do you have a ballpark estimate?

15 A At some point during some Pride or other  
16 LGBT event, but I can't give you a precise year. I  
17 really don't know.

18 Q Okay. Can you recall whether it would be  
19 closer to 5 years or 15 years?

20 A Somewhere in the middle but not closer to  
21 one or the other because I don't have a precise  
22 recollection.

23 Q Okay. That's fair. That's fair. Okay.  
24 So what actually -- strike that.

25 MR. MANGINI: Okay. So I'm going to

GEWANTER - MANGINI

1 show you another exhibit. Let's label  
2 this one Gewanter 2, please.

3 (A discussion was held off the record.)

4 (Whereupon Exhibit No. 2 was marked for  
5 identification, 5/2/17, EAB)

6 A Can I refresh my memory on this document?

7 EXAMINATION BY MR. MANGINI:

8 Q Yeah, uh-huh.

9 A Okay. What year was he requesting this?  
10 Okay. 2013. Okay.

11 Q Okay. So first off, do you recognize  
12 this document?

13 A That precise document, no. The form,  
14 yes. It's a standard form.

15 Q Got it. And do you happen to know what  
16 the significance of this is?

17 A I have no idea.

18 Q Okay.

19 A I assume it's a document number, but I  
20 don't know whose document number.

21 Q Gotcha. Okay. So were you involved at  
22 all in the requesting of this permit or advising CNY  
23 Pride about the permit request?

24 A I don't have a precise recollection in  
25 2013, and I don't have any documents to reflect that

1       recollection, they're not in my possession. But I do  
2       not remember this particular language on this particular  
3       form.

4           Q       Okay. Okay. So you don't recognize that  
5       language at all?

6           A       No, not that language.

7           Q       Got it. Got it. Okay. Okay. Do you  
8       happen to know what Mr. Shepherd was requesting when he  
9       made this request?

10          A       I can't read his mind so no, I'm not sure  
11       what the meaning of his words were when he wrote them.

12          Q       Got it. Okay. Okay. So what would be  
13       your understanding of what the effect of this permit  
14       request is?

15                 MR. LONG: I'm going to object to  
16       the form.

17          A       Given that I don't see any approvals, it  
18       would have no effect at all except to request a permit.

19          Q       Okay. And if it were granted, what would  
20       its effect be?

21                 MR. LONG: Objection.

22          A       That would depend on the stipulations --  
23       I'm sorry.

24                 MR. LONG: I apologize. I object to  
25       form.

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1                   MS. HARRINGTON: You're just stating  
2                   our objection.

3                   MR. LONG: I was just stating an  
4                   objection. I didn't mean to interrupt.

5                   THE WITNESS: I didn't want to step  
6                   on you.

7                   MR. LONG: I apologize.

8                   A      That would depend on the stipulations  
9                   that may have been issued by the City, if any, when the  
10                  permits were approved.

11                  EXAMINATION BY MR. MANGINI:

12                  Q      Gotcha.

13                  A      So I can't tell you the outcome without  
14                  that information.

15                  Q      Okay. Do you know what form those  
16                  stipulations would be in?

17                  MS. HARRINGTON: Object to form.

18                  A      Honestly, that differed from year to  
19                  year, and that was part of what they wanted to  
20                  standardize when they centralized the permits. I think  
21                  they wanted to make sure the communication was  
22                  standardized in relation to any kind of permit that was  
23                  sought by the City.

24                  So I -- I don't know precisely in 2013  
25                  whether that would have come in an e-mail, an addendum,

1 and I have no way of recalling that at this time.

2 Q Gotcha. Okay. Right here where it  
3 mentions --

4 A Kirkpatrick?

5 Q Yes. Sidewalks bordering Kirkpatrick  
6 Street at Inner Harbor Park for security. Do you know  
7 what Mr. Shepherd is referring to when he is asking for  
8 that for security?

9 A No idea.

10 Q Okay. Okay.

11 A I do have not recognize that language. I  
12 do not recall any conversation with Mr. Shepherd about  
13 this language on this form.

14 Q Got it. Okay. All right then. Okay.  
15 Are you aware of -- kind of moving ahead.

16 A Sure.

17 Q Are you aware of any incident regarding  
18 Mr. Deferio during the 2014 pride festival?

19 MS. HARRINGTON: Object to the form.

20 A I don't recall what happened in a  
21 particular year versus another year so you would need to  
22 be more specific about the type of -- did you say  
23 incident? Was that the word you used?

24 Q Sure. Yeah.

25 A I mean, honestly, I have been at so many

1      Pride gatherings that they -- the years kind of run  
2      together.

3            Q       Gotcha. Okay. Let's see. Do you recall  
4      seeing Mr. Deferio in 2014 at the Pride festival?

5            A       Specifically in 2014, no. At successive  
6      years at our Pride festival, yes.

7            Q       Okay. Okay. Do you recall hearing from  
8      CNY Pride or anyone at CNY Pride about Mr. Deferio and  
9      his activities during the 2014 Pride festival?

10          A       I don't have a specific recollection of  
11     2014 discrete from 2012 or 2016 or 2015.

12          Q       Okay.

13          A       So I don't know specifically what you're  
14     looking for.

15          Q       Okay. Do you -- what is your general  
16     notion about Mr. Deferio at Pride festivals?

17          A       About -- notion about what?

18          Q       About --

19          A       His dress? His --

20          Q       About his conduct at those festivals and  
21     -- yeah, let's just start with that.

22          A       He stands as close as he possibly can to  
23     the people coming in and out. He usually has a large  
24     banner. He's usually loudly telling people his opinion  
25     about LGBT people, usually drawing from his

1 interpretation of bible scripture.

2 Q Okay. Okay. Okay. So after the 2014  
3 festival leading up to the 2015 festival, did you have  
4 any kind of correspondence with the City of Syracuse  
5 regarding the 2014 festival?

6 MS. HARRINGTON: Object to form.

7 A I have no specific recollection of when I  
8 may have communicated and when I didn't in the period  
9 specified, and I am not in possession of any documents  
10 that would refresh my recollection.

11 Q Okay. Do you happen to recall -- sorry.  
12 Scratch that.

13 I guess just to clarify: Do you recall  
14 having any correspondences during that time?

15 MS. HARRINGTON: Object to form.

16 A Specifically, I don't recall any specific  
17 correspondence from three years ago. My work life is  
18 very busy, very complicated, and to pick out one set of  
19 communications from three years ago would be absolutely  
20 impossible without documents that would allow me to  
21 refresh my recollection, which are not in my possession.

22 Q Gotcha. Okay. Okay. Actually, what we  
23 might do he is we might move on to the next exhibit and  
24 then maybe we can -- maybe we can come back.

25 A Okay.

## GEWANTER - MANGINI

1                   MR. MANGINI: And you can label this  
2                   one Gewanter 3.

3                   MS. HARRINGTON: And this is the  
4                   same as Shepherd 3?

5                   MR. MANGINI: I believe so.

6                   (Whereupon Exhibit No. 3 was marked for  
7                   identification, 5/2/17, EAB)

8                   A     If you don't mind, I'll just take a  
9                   minute to read it?

10                  EXAMINATION BY MR. MANGINI:

11                  Q     Yeah, yeah.

12                  A     Thank you. Okay. It's from me. Okay.  
13 I have reviewed it.

14                  Q     So do you recognize this?

15                  A     It is familiar, but only because I have  
16 refreshed -- refreshed my memory by reading something is  
17 that I actually wrote myself.

18                  Q     Gotcha. Okay. So what's this -- what's  
19 this e-mail about?

20                  A     It is an e-mail to Sam White in the  
21 permits office and Special Events Officer Kluge prior to  
22 a meeting to discuss working together prior to Pride.  
23 And it references draft -- drafts of the permit requests  
24 related to the flag raising, the parade and the  
25 festival.

1           Q     Gotcha. Okay. So could you kind of  
2 identify who you were sending this to?

3           A     I think I already did.

4           Q     Sorry. I guess -- I guess my question  
5 is: Could you identify who they are and what they do  
6 and I guess why they're receiving this?

7           A     All right. As I said previously, Officer  
8 Kluge is with the special events section of the Syracuse  
9 Police. Sam White was at that time with the permits  
10 office. It is also CC'd to Officer Kluge's command  
11 officer, Lieutenant Holtman; to Joe Doyle, and it says  
12 corporation counsel; and it was also sent to Chris  
13 Shepherd and Bruce Carter from CNY Pride. They were on  
14 the board at the time.

15          Q     Got it.

16          A     I'm sorry. It also adds in the CC line,  
17 although not in the text of the e-mail, Joseph Sweeny,  
18 who is captain in the Syracuse Police.

19          Q     Got it. Okay. So why was Mr. Doyle CC'd  
20 on this?

21                   MS. HARRINGTON: Object to form.

22                   MR. LONG: Object to form.

23          A     He is in the corporation counsel's  
24 office.

25          Q     Okay. And why did you decide to CC him

1 on it?

2 MR. LONG: Object to form.

3 A Because I knew that the police are guided  
4 by the corporation counsel when it comes to First  
5 Amendment related activities, and bringing him in the  
6 loop seemed to be prudent.

7 Q Okay. Had you had any prior  
8 communication with him?

9 MS. HARRINGTON: Object to form.

10 MR. LONG: Object to form.

11 A About what?

12 Q About the CNY Pride festival.

13 A I may have.

14 Q Okay. Do you have any specific  
15 recollections of any of those communications?

16 MR. LONG: Object to form.

17 MS. HARRINGTON: Object to form.

18 A Not really.

19 Q Okay. Okay. So, I guess, what's the --  
20 what's the context behind this e-mail?

21 A Can you specify what you mean by context?

22 Q Right. I guess what prompted you to send  
23 this e-mail in the first place?

24 A Pride was coming up and we wanted to  
25 discuss the permit requests.

1           Q     Okay. And what particularly did you --  
2 did you want to discuss about the permit requests?

3           A     Submitting them, police concerns, Pride  
4 concerns, the process of having the permits issued.

5           Q     Okay. What kind of concerns did Pride  
6 have?

7           A     Back in 2015, I can only refer to what's  
8 in this e-mail because I don't have access to any notes  
9 or documents to reflect to refresh my recollection. So  
10 based on the language in here, it says that -- and I'm  
11 reading right from the e-mail, "Police command officers  
12 deployed for this detail have indicated that the  
13 language in the permits are crucial for their ability to  
14 deal fairly and effectively with situations created when  
15 counter protesters show up..."

16                 So that would have been a concern. Sound  
17 amplification was a concern, being able to use sound  
18 amplification. It also mentions in the text under  
19 Request 2 exclusive use of sound amplification. Based  
20 on the text of this, it indicates that Pride was asking  
21 for a portion of the sidewalks on either side of the  
22 driveway into the festival to be part -- an explicit  
23 part of the permit.

24                 It says, also, this should reduce the  
25 kind of friction and confrontation that has occurred at

1 that location in the past. So I assume that that was a  
2 concern. I also wrote any such counter protesters  
3 should still have adequate proximity to its intended  
4 audience, and that reflects my concern about balancing  
5 the interests because part of my concern -- and  
6 something that I explain to Pride -- was that they have  
7 interests but also there's First Amendment interests of  
8 any protesters and they have to be balanced.

9 Q Okay. And how did you believe that  
10 balance would be struck?

11 MS. HARRINGTON: Object to form.

12 A Well, that depended on the police and  
13 what they were willing to do and what the City was  
14 willing to do.

15 Q Okay.

16 A But it was my opinion that proximity to  
17 the audience did not necessarily equate to being right  
18 on top of them.

19 Q Okay. Okay. And so just to clarify,  
20 when you refer to 15 to 20 feet here, that's what you're  
21 referring to?

22 A Not necessarily.

23 Q Okay.

24 A This was a subject for discussion. What  
25 were the police and the City interested in doing based

1 on this request? That was a ballpark figure for  
2 discussion.

3 Q Okay. Okay. Going back a little bit to  
4 the third paragraph, the last sentence in that one that  
5 says, "We want to make sure that the permit language  
6 provides these officers with what they need to protect  
7 and serve everyone that day."

8 A Uh-huh.

9 Q What did you mean by that?

10 A That the officers had permit language  
11 that gave them clear instructions on how to ensure that  
12 the permit applicant was able to do what they had to do  
13 on that day and what they were permitted to do, and that  
14 anybody else present that wasn't part of the event could  
15 also do what they intended to need do on that day within  
16 the balance of the First Amendment.

17 Q Got it.

18 A And I'll point out that when I said  
19 "serve everyone that day," I really meant everyone,  
20 including counter protesters.

21 Q Okay.

22 A Because it was my opinion that the police  
23 have to protect the First Amendment rights of everybody,  
24 not just one over the other.

25 Q Right. Got it. Okay. Backing up a

1       little bit more to the second paragraph, where it says,  
2       "We all agreed to this meeting..."

3                  A      Uh-huh.

4                  Q      Where -- when did that agreement take  
5       place or what was -- what was the context of that?

6                            MR. LONG: Object to form.

7                  A      I have no idea because this was in 2015  
8       and I don't have any documents that will allow me to  
9       refresh -- reflect my recollection. What I can say to  
10      you is that in the process of seeking the permits, I  
11      always encourage Pride to have a pre-meeting -- and this  
12      was in June, a pre-event meeting with the police to  
13      facilitate and encourage two-way communication.

14                           So without anything more specific, this  
15      appears to me to be my attempt at facilitating that  
16      communication.

17                  Q      Got it. Okay. And so I guess a little  
18      bit backing up to that first paragraph where it says we  
19      have an appointment for a meeting at Monday at 10 a.m.

20                  A      Uh-huh.

21                  Q      Do you recall whether that meeting took  
22      place?

23                  A      I have no reason to believe it did not.

24                  Q      Okay. Okay. Do you have any  
25      recollections of -- were you present at that meeting?

1           A     I it took place, I was -- I was most  
2 probably present. I don't have any specific documents  
3 to reflect my recollection to give you a definite that I  
4 was there because those documents are not in my  
5 possession.

6           Q     Okay. Okay. Okay. So I guess I take it  
7 that would also mean that you don't remember what was  
8 discussed there at --

9           A     Precisely on 2 -- 2015 as opposed to 2014  
10 or 2016, not necessarily.

11           MR. MANGINI: Okay. Okay. Okay.  
12           We can mark this one as Exhibit -- are we  
13           up to 4? Got it.

14           MS. HARRINGTON: Can you hand me a  
15           copy of that exhibit?

16           MR. MANGINI: Yeah.

17           MS. HARRINGTON: What was it marked  
18           as before?

19           MR. MANGINI: I believe 4.

20           (Whereupon Exhibit No. 4 was marked for  
21           identification, 5/2/17, EAB)

22           A     If you give me a chance to just take a  
23           look.

24           Q     Uh-huh.

25           A     So this is 2015.

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1                             (A discussion was held off the record.)

2                             THE WITNESS: I just indicated to  
3                             Mr. Mangini I've got until 4:30.

4                             MS. HARRINGTON: Okay.

5                             THE WITNESS: Hopefully we don't  
6                             leave -- leave Officer Kluge that long.

7                             MR. MANGINI: Yeah.

8                             EXAMINATION BY MR. MANGINI:

9                             Q        Okay. So do you recognize this document,  
10                              Exhibit 4?

11                             A        It is familiar.

12                             Q        Okay. How are -- how are you familiar  
13                              with it?

14                             A        It looks like my handwriting.

15                             Q        Okay. Okay. Would it make sense for you  
16                              to have filled this out on Mr. Shepherd's behalf?

17                             A        It's likely that I filled it out with  
18                              Mr. Shepherd.

19                             Q        Okay.

20                             A        But not on his behalf, but with him.

21                             Q        Okay. Okay. All right.

22                             A        And let me clarify, with Mr. Shepherd or  
23                              another representative of CNY Pride.

24                             Q        Gotcha. Gotcha. So what exactly is this  
25                              particular document?

1           A     This document is the standard SPD,  
2 Syracuse Police Department, Parade and Public Assembly  
3 Application. In this case, this is from 2015. It  
4 doesn't look like it was approved so it's just the  
5 permit request for the parade, the lineup for the  
6 parade, and also for the assembly -- it's not clear that  
7 whether this is for the festival or just the assembly at  
8 the -- it looks like it is for the setup for the parade.

9           Q     Okay. Okay. All right. So, actually,  
10 do you see this right down here where it has an e-mail  
11 there?

12          A     Uh-huh.

13          Q     Is that your e-mail?

14          A     It was.

15          Q     Got it.

16          A     At the time.

17          Q     Right. So why would Mr. Shepherd request  
18 that communications be sent to you?

19          A     Because they were looking to me for  
20 assistance on First Amendment matters, and although the  
21 permit wasn't being issued to me, it was being issued to  
22 CNY Pride, this was simply a request to keep me in the  
23 loop.

24          Q     Got it. Got it. Okay.

25          A     You know, if there were stipulations or

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1 if there were conditions, I would just like to know.

2 Q Okay. Yeah. That makes sense. So what  
3 is specifically being requested here regarding -- here  
4 and here regarding exclusive use (indicating)?

5 A What it says is, "We request exclusive  
6 use of sound amplification along parade route, on  
7 Kirkpatrick and on Van Rensselaer at end of parade  
8 period and at dispersal point."

9 And then further, under public assembly,  
10 it says "Sound system: Yes," and we request exclusive  
11 use of sound amplification within and adjacent to  
12 permitted area during specific time.

13 Q Okay. So what --

14 A Sorry. Specified time.

15 Q Okay. Yeah. So what exactly was meant  
16 there by "exclusive use"?

17 MS. HARRINGTON: Object to form.

18 A The City has a sound ordinance which says  
19 you can't use -- and I'm quoting this more of a  
20 layperson's understanding of the law. That the law or  
21 the ordinance says that you cannot use sound  
22 amplification in the city without a permit. And my  
23 understanding of that was that it was kind of first come  
24 first served.

25 So this was a request to be -- to get the

1 approval for sound amplification and to be the first one  
2 to get that.

3 Q Got it. Okay.

4 A And let me add for that specific --  
5 limited to that specific time and place.

6 Q Got it.

7 A But not beyond that.

8 Q Right. Right. Okay. Okay. So I guess  
9 where did the term "exclusive use" originate?

10 MR. LONG: Object to form.

11 A When I was with the NYCLU I worked under  
12 the supervision of experienced First Amendment lawyers  
13 who shared with me the names and the gist of certain  
14 significant First Amendment cases that went before the  
15 Supreme Court. I in turn read those cases myself to  
16 familiarize and have further discussions with those  
17 First Amendment lawyers.

18 And one of the cases that was of  
19 particular interest was a case in which a group that I  
20 think is called the Hibernians in Boston got a Supreme  
21 Court decision that basically said that the people that  
22 request the permit have the right to control the message  
23 during that time of the permit and the space indicated  
24 on the permit, the location.

25 So that was the idea that I suggested to

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1     Pride to use, that since that's what the Supreme Court  
2     suggested -- what the Supreme Court ruled that they  
3     would also have the right to request the ability to  
4     control the message for a defined limited period of  
5     time, for a defined limited location during that period  
6     of time.

7           Q      Got it.

8                    MR. MANGINI: Okay. Let's move on  
9                    to this one, which can be Exhibit 5 I  
10                  guess is where -- we're up to 5.

11                 THE WITNESS: And I'd like a sec to  
12                  just review the document.

13                 MR. MANGINI: Sure.

14                 (Whereupon Exhibit No. 5 was marked for  
15                  identification, 5/2/17, EAB)

16                 A      Okay. I've reviewed the document.

17                 EXAMINATION BY MR. MANGINI:

18                 Q      Okay. So do you recognize this document?

19                 A      It is familiar to me.

20                 Q      Okay. All right. And what is it?

21                 A      It looks like it is a Syracuse Police  
22                  Department standard Parade/Public Assembly Permit,  
23                  specifically submitted for CNY Pride by CNY Pride  
24                  requesting the use of the driveway into the Inner Harbor  
25                  Park -- and here I'm reading directly from the document

1 -- on Kirkpatrick and adjacent sidewalks for 20 feet to  
2 either side of the driveway on north side of  
3 Kirkpatrick.

4 It also requests exclusive use of sound  
5 amplification on that portion of the sidewalks and then  
6 the sidewalk directly across the street to the south on  
7 Kirkpatrick during specified hours.

8 It also requests exclusive use of this  
9 location for access to festival site during festival for  
10 setup time and for First Amendment activities related to  
11 festival participants. And that's reading directly off  
12 of the form.

13 Q Got it. Okay. So with regard to this  
14 asterisk down here --

15 A Uh-huh.

16 Q Actually, the first thing I need to ask  
17 you: Did you collaborate with Chris Shepherd on this?

18 A Yes.

19 Q Okay. Okay. With regard to that  
20 asterisk down there, where it says, we request exclusive  
21 use of this location for access to festival site during  
22 festival for setup time and for First Amendment  
23 activities related to festival participants -- or  
24 festival and participants, what's -- what is meant by  
25 First Amendment activities related to festival and

1 participants?

2 MS. HARRINGTON: Object to form.

3 A I've described the festival as a  
4 celebration of the diversity of LGBTQ community so it  
5 would be messaging, speaking, gathering, associating,  
6 related to that intent of the festival.

7 MR. MANGINI: Okay. Okay. All  
8 right. I have another document. Label  
9 this one Exhibit 6.

10 MS. HARRINGTON: Is this the former  
11 Exhibit 6?

12 MR. MANGINI: Yes.

13 (Whereupon Exhibit No. 6 was marked for  
14 identification, 5/2/17, EAB)

15 A I'd like a sec to familiarize myself with  
16 this.

17 To me it looks like the same document.

18 EXAMINATION BY MR. MANGINI:

19 Q Okay. Now, one question I'd like to ask.

20 A Uh-huh.

21 Q Regarding these two, on Exhibit 5, here  
22 it mentions 20 feet --

23 A Oh. I'm sorry. Yes.

24 Q -- and then on Exhibit 6 it mentions 40  
25 feet?

1           A     Uh-huh.

2           Q     Do you know why there's that difference?

3           A     I don't have a specific recollection of  
4 why the difference.

5           Q     Okay. Do you know if you or someone at  
6 CNY Pride changed that?

7           A     It certainly was changed. I don't know  
8 at what time and I don't know for what reason.

9           Q     Okay. Do you recall personally having  
10 any conversation that would have prompted you to suggest  
11 that change?

12          A     No recollection of any specific  
13 conversation, and I have no documents in my possession  
14 to refresh my recollection from 2015.

15          Q     Got it. Okay.

16          A     I mean, there may have been a  
17 conversation but I have no precise recollection.

18          Q     Got it. Okay. Real quick, if I could I  
19 guess go back a little bit. Why the difference between  
20 -- what's the difference really between Exhibits 4 and  
21 5; as in, why are they separate?

22                 MS. HARRINGTON: Object to form.

23          A     Exhibit 4 is a parade application.  
24 Exhibit 5 does not have a parade application. Exhibit 4  
25 does have a public assembly application but it does not

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1 request anything relating specifically to the driveway  
2 and adjacent sidewalks. However, Exhibit 5 does.

3 MR. MANGINI: Okay. Okay. Okay.

4 I've got another exhibit. We'll mark  
5 this one as 7.

6 (Whereupon Exhibit No. 7 was marked for  
7 identification, 5/2/17, EAB)

8 A Hold on. Just one sec.

9 Q Yeah.

10 MS. HARRINGTON: Barrie, if you'd  
11 like, we can have him make copies of  
12 these exhibits for your record as well.

13 THE WITNESS: That would be great.

14 Thank you. I'm just, you know, trying to  
15 remember what it was that I looked at.

16 MS. HARRINGTON: Yes, of course.

17 THE WITNESS: Let me see. Okay. So  
18 let me take a look at this document to  
19 refresh any recollection I have.

20 MS. HARRINGTON: It's also 3:30.

21 THE WITNESS: Thank you. Let me  
22 turn on my phone and renew my parking.

23 Thank you. I have to turn it back on.

24 A Okay. I've taken a look at the document.

25 EXAMINATION BY MR. MANGINI:

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2                   A       I can only look at the black and white  
3 and recognize what's on it. And it looks like it is a  
4 list of communications from the police department and  
5 from the permits office in relation to an approval of  
6 the permits request.

7 Q Okay. Do you recall having seen this  
8 document before?

9           A     I don't have a specific recollection of  
10          the document, but the content indicates that it is from  
11          2015, and I would imagine I got a copy of it at some  
12          point.

13 Q Okay.

14 A Sorry. I'm just --

15 Q Yeah. Go ahead.

16 A -- looking down at my phone so I can  
17 renew my parking, and I -- just hold on.

18 MR. MANGINI: Let's go off the  
19 record.

20 MS. HARRINGTON: Yeah. We can go  
21 off the record for a minute.

22 THE WITNESS: Thank you.

23 (A discussion was held off the record.)

EXAMINATION BY MR. MANGINI:

Q Okay. If you could, could you read those

1 comments for me?

2           A     There are no comments where it says  
3 police department special events approved Paul Kluge.  
4 In the second line, it says central permit office  
5 conditionally approved Sam White. And then, "Applicant  
6 is granted exclusive control to the entry area into the  
7 Inner Harbor festival area as well as the 40 feet on  
8 either side of the northern portion of Kirkpatrick  
9 Street for the limited purpose of allowing exclusive use  
10 of sound amplification and access to the festival."

11           Q     Okay. So what's your understanding of  
12 what that means?

13                   MR. LONG: Object to form.

14           A     I can only go by what's written there.  
15 It says "exclusive use of sound amplification." To me,  
16 that would mean that only Pride could use sound  
17 amplification of mechanical means at that point and that  
18 only people connected with the event could access the  
19 festival at that point.

20           Q     Okay. Okay.

21           A     But that's what it says on the document.  
22 I don't want to read too much into what it says beyond  
23 what it says.

24           Q     Gotcha. Okay.

25           A     And it would honestly be up to the police

1 to interpret what that said at the event at that time.

2 Q Okay. Okay. Actually, could you  
3 elaborate on that regarding it would be up to the police  
4 to interpret at the festival; what do you mean by that?

5 MS. HARRINGTON: Object to form.

6 A In any given situation police have to  
7 look at the facts, the context, the interests of the  
8 parties involved, the permits that may or may not have  
9 been issued, and in the balance figure what their action  
10 is. So this would communicate to the police the  
11 parameters for the people to whom the permit had been  
12 issued and the participants in the event that was  
13 permitted.

14 Q Got it. Okay. So at the 2015 Pride  
15 festival, do you recall seeing Mr. Deferio?

16 A I don't have a specific recollection of  
17 one year versus another year because they all run  
18 together. But in the past couple of years, which would  
19 likely include 2015, I believe he's been there.

20 Q Okay.

21 A And I believe I remember seeing him  
22 there; although, I don't know precisely that was in  
23 2015.

24 Q Okay. Based on what you do remember,  
25 what do you remember him doing at the festival?

1                   MS. HARRINGTON: Object to form.

2                   A I don't remember what he did specifically  
3 one year to the next.

4                   Q Right.

5                   A Usually he would try to station himself  
6 on a particular corner adjacent to the driveway, stand  
7 with a banner and say things or yell things to people  
8 that were coming by on the sidewalk or approaching the  
9 festival or leaving the festival.

10                  Q Okay. And so he was on the sidewalk at  
11 that point?

12                  A I don't know where he was in 2015 --

13                  Q Gotcha.

14                  A -- precisely.

15                  Q Okay.

16                  A I can tell you where he desired to be,  
17 but I don't remember where he specifically was in that  
18 year.

19                  Q Okay. Okay. And so generally where does  
20 he desire to be, to your recollection?

21                  A If you're standing in the driveway to the  
22 Inner Harbor looking out at Kirkpatrick Street, he wants  
23 to be on the -- he seems to desire to be on the sidewalk  
24 right adjacent to the driveway to the left.

25                  Q Okay. Okay. Do you recall him having

1 any interaction with police that year?

2 A He may have. I didn't witness it so I  
3 don't know. I assume they talked to him, but I don't  
4 have any specific knowledge of that.

5 Q Gotcha. Do you recall having been  
6 informed by anyone at CNY Pride that there was an  
7 incident including Mr. Deferio at the Pride festival?

8 A In one specific year as opposed to  
9 another, no.

10 Q Okay. How about in general?

11 A There was one report of an incident in  
12 which there were words exchanged between some of the  
13 people attending Pride and Mr. Deferio, and at some  
14 point there was some physical contact and I never got a  
15 clear idea of what it was.

16 Q Okay. Okay. So do you have a  
17 recollection of -- either a personal recollection of or  
18 a description of Mr. Deferio being asked by police  
19 officers to go to the sidewalks across the street?

20 MS. HARRINGTON: Object to form.

21 MR. LONG: Object to form.

22 A I don't have a precise recollection of  
23 that in a particular year. I do know that one year  
24 perhaps, maybe more than one year, I don't remember, the  
25 police did ask him to go across the street where he

1 could still have proximity to the audience but not be at  
2 that precise location.

3 Q Okay. And do you recall what the basis  
4 for that was?

5 A I can't read the minds of the police  
6 going back several years at that particular time at that  
7 particular location and event, so I don't know.

8 Q Gotcha. Okay. Okay. All right. Okay.  
9 So after the 2015 festival leading up to the 2016  
10 festival, do you recall having -- do you recall you or  
11 anyone from CNY Pride having conversations with the City  
12 regarding the Pride festival?

13 MS. HARRINGTON: Object to form.

14 MR. LONG: Object to form.

15 A Yes.

16 Q Okay. And what conversations were those?

17 MS. HARRINGTON: Object to form.

18 A I remember that I got a contact from Sam  
19 White about the decision of the judge in the case. I  
20 also remember helping CNY Pride to arrange a pre-event  
21 meeting with the permits office and there were police  
22 officers there. Also, very shortly before Pride, when  
23 the Orlando massacre happened, I got request from CNY  
24 Pride and other LGBTQ groups to set up a meeting with  
25 the police to discuss concerns about security during

1      Pride events, and I did set that meeting up.

2            Q        Okay. Were you present at those  
3 meetings?

4            A        Yes.

5            Q        Okay. Do you recall what was said at  
6 those meetings?

7                    MS. HARRINGTON: Object to form.

8            A        I don't recall what was said, but I do  
9 have some documents that might refresh some of my  
10 recollection.

11          Q        Okay. Do you have those documents with  
12 you?

13          A        Uh-huh.

14          Q        Okay.

15          A        So I have notes from a meeting on 5/20.  
16 I have me -- notes from what looks like a phone  
17 conversation with Sam White on 6/13. And I have notes  
18 from a meeting on 6/14. And I copies of these.

19          Q        Okay. Okay.

20          A        Because the subpoena said produce certain  
21 documents.

22          Q        Yes. Okay. Then -- then, yeah, we'll --  
23 we'd definitely like these documents or copies of those  
24 documents.

25                    (Witness handing documents.)

1 Q Got it. Thank you.

2 A Let me just give to the other attorneys  
3 in the room as well.

4 MS. HARRINGTON: Thank you.

5 THE WITNESS: I figured two copies  
6 would be appropriate.

7 MS. HARRINGTON: Thank you very  
8 much.

9 A I will point out on these documents that  
10 there is a redaction on the one that is 6/13/16 because  
11 on half of the page there are some notes that I took  
12 that have absolutely nothing whatsoever to do with Pride  
13 but have to do with a particular prosecution and so I  
14 have cut that off.

15 Q Okay. All right.

16 A It wasn't responsive to the subpoena.

17 Q Got it. Got it. Okay. So if you could  
18 briefly review these, I'm going to take a look at them  
19 too.

20 A Uh-huh. I reviewed them prior to coming  
21 to this deposition.

22 Q Gotcha.

23 THE WITNESS: If the lawyers in the  
24 room could let me know when we get to 4  
25 o'clock, I would appreciate it.

## GEWANTER - MANGINI

1 MS. HARRINGTON: Yes.

2 MR. LONG: Absolutely.

3 THE WITNESS: I have to be at ML  
4 King School at 4:30.

5 MR. LONG: Sure thing.

6 THE WITNESS: If at all possible.

7 MS. HARRINGTON: Yes. You have 15  
8 more minutes.

9 THE WITNESS: Thank you. Yeah,  
10 that's fine.

11 EXAMINATION BY MR. MANGINI:

12 Q Okay. So I guess just starting out,  
13 could you kind of summarize, based on checking out or  
14 refreshing your memory with these documents, what was  
15 discussed at these -- these I guess three meetings?

16 A There's not three meetings.

17 Q Okay.

18 A To the best of my recollection, the notes  
19 from 6/13 may have been a phone call with Sam White.

20 Q Got it.

21 A So two meetings and perhaps a phone call.

22 Q Okay. Okay. So could you summarize  
23 each, please?

24 A My notes only 5/20/16 seem to be an  
25 outline of what was discussed at a meeting between

GEWANTER - MANGINI

1 representatives of Pride, the permits office and the  
2 police department.

3                   The notes that I have dated 6/13/16 seem  
4 to be information provided by Sam and a discussion about  
5 the judge's decision to issue a preliminary injunction  
6 in Mr. Deferio's case.

7                   And then the document notes dated 6/14  
8 seem to be notes of a conversation with the police and  
9 members and -- of Pride and other leaders in the LGBT  
10 community about security concerns at Pride events after  
11 the Orlando massacre.

12                  Q      Got it.

13                  MR. MANGINI: All right. So  
14                   starting with the 5/20 conversation and  
15                   notes. On the second page, we have --  
16                   actually, we should probably make this an  
17                   exhibit; right?

18                  MS. HARRINGTON: If you're going to  
19                   question her about it, I would prefer --

20                  MR. MANGINI: Yeah, yeah, yeah.

21                  Let's go ahead and make this one an  
22                   exhibit. This would be 8.

23                  (Whereupon Exhibit No. 8 was marked for  
24                   identification, 5/2/17, SMG)

25                  MR. MANGINI: All right.

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1                   MS. HARRINGTON: And for purposes of  
2                   the record, Exhibit 8 are notes produced  
3                   by the witness, Barrie Gewanter, from May  
4                   20th, 2016.

5                   MR. MANGINI: Yes.

6                   EXAMINATION BY MR. MANGINI:

7                   Q     Okay. So on the second page here, under  
8 what appears to be Point 4, it mentions ongoing lawsuit  
9 against City by right wing nut prelim injunction. Is  
10 that referring to Mr. Deferio?

11                  A     It is.

12                  Q     Okay. It says only initial stages of  
13 lawsuit. Outcome soon. May affect 40 foot. So what's  
14 that -- what's that referring to?

15                  A     Probably refers to the conditions in the  
16 -- in the approved permit that you gave me as Exhibit 7  
17 that's dated 6/14/2016.

18                  Q     Okay. And then I see you have notes here  
19 to the side of that that says, I guess, so permit app  
20 separate. What's that referring to?

21                  A     Based on refreshing my memory from this,  
22 I think that it was a request by Sam White in the  
23 permits office to separate our request for the 40 feet  
24 on the sidewalk on Kirkpatrick in a separate document so  
25 that if the outcome of the lawsuit invalidated that

1 request that that could -- the other requests could be  
2 approved and stand on their own.

3 Q Got it. Got it. Okay. All right. For  
4 now I think we're just going to keep moving on, so I  
5 think that has some good information.

6 A Certainly.

7 Q All right. Other than the things you  
8 have that you've provided notes on, do you recall any  
9 other communications with the City?

10 A Uh-huh.

11 MR. LONG: Object to form.

12 A You'd have to specify communications that  
13 you mean. The subpoena, which I'm reading from now,  
14 said any and all correspondence in your possession  
15 between the City of Syracuse officials and yourself  
16 and/or CNY Pride regarding the CNY festival, and it  
17 specifies 2013, '14, '15, '16.

18 And the only things I have in my  
19 possession was from 2016 and I did find some e-mails  
20 that might be considered responsive to that, but I may  
21 have been in touch with the City about other matters at  
22 other times which I can't produce because they're not in  
23 my possession.

24 Q Gotcha.

25 A So I have -- this is my copy. So these

1 are e-mails that I'm producing in response to the  
2 subpoena.

3 Q Okay.

4 THE WITNESS: Copy for both sides.

5 MR. LONG: Thank you.

6 A And I also had in my possession which are  
7 responsive to the subpoena, I found documents that were  
8 applications for the permit and I also found  
9 applications for permits that had big crosshatching on  
10 it.

11 Q Okay.

12 A So I will provide both.

13 Q Excellent. Thank you very much.

14 MR. LONG: Thank you so much.

15 A Sure. I also have in my possession but I  
16 don't have a copy -- oh, no, I've already provided that.  
17 I also have a copy of the memorandum decision and order,  
18 which I believe is the preliminary injunction, and an  
19 article from the paper, but they didn't seem to be  
20 responsive.

21 Q Okay.

22 A You already have the preliminary  
23 injunction order.

24 Q Right. Right. Okay. So, actually, now  
25 that you've provided me this, have you -- have you

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1 provided me everything you've brought today other than

2 --

3 A Yes, sir.

4 Q -- your copies? Got it. Okay. Okay.

5 All right. Okay. So in 2016 were you still involved  
6 with Pride as they -- as they made their applications?

7 A I assisted them. I'm not a member of the  
8 board or Pride and I don't pay any membership dues, but  
9 I did assist them and I did have a booth and did  
10 participate in the parade.

11 MR. MANGINI: Okay. Okay. All  
12 right. Then I'd like to give you another  
13 document. I guess we can label this one  
14 9, and in the previous ones that we gave  
15 you it would be 7 -- or 8, rather.

16 MS. HARRINGTON: Well -- okay.

17 MR. LONG: Do we have an 8?

18 MS. HARRINGTON: No.

19 MR. LONG: We went as far as 7.

20 MR. MANGINI: Oh, that's. I'm  
21 sorry. Oh, yes.

22 MS. HARRINGTON: What is it that  
23 you're having her mark?

24 MR. MANGINI: Sorry. I put it in  
25 there to give to you all and I forgot.

1 (Whereupon Exhibit No. 9 was marked for  
2 identification, 5/2/17, EAB)

3 A Okay.

4 EXAMINATION BY MR. MANGINI:

Q Okay. So do you recognize this document?

6                   A     It looks familiar, but I don't have a  
7 copy in my possession.

8 Q Gotcha. Okay.

9 A Not of this exact document.

10 Q Right. Okay. So who is Jayme Martin?

11 A He was the president of CNY Pride in  
12 2016.

13 Q Okay. And were you involved in helping  
14 him with this request?

15 A Yes.

16 Q Okay.

17 A I likely was. It looks like I was.

18 Q Gotcha. Okay. So I guess not to belabor  
19 the point:

20                    Between this and I guess the request,  
21 which is Exhibit 5 --

22 A Uh-huh.

23 Q -- are those -- actually, sorry. I guess  
24 Exhibit 6 would be the more appropriate one.

25 A Uh-huh.

1           Q     Are there any substantial -- are there  
2 any differences between those two requests?

3           A     Exhibit 6 is date of application 6/16/15.  
4 The applicant is Chris Shepherd. In Exhibit 9, the date  
5 of application is 4/18/16. The applicant is James  
6 Martin. I'm looking for other differences. The contact  
7 information for CNY Pride is different. The date of  
8 assembly is different. The expected number of  
9 participants, expected maximum and minimum numbers, are  
10 different. Well, the maximum number is different, not  
11 the minimum.

12                 What is written on names of speakers is  
13 different between the two years. The 2015 document  
14 requests a copy of communications be sent to me at my  
15 NYCLU contact information. 2016 document does not. On  
16 page 2 of the document the name of applicant and the  
17 contact information are different.

18           Q     Okay. So I guess is the location of  
19 assembly, is the language that's written in there, is  
20 that substantially the same?

21           A     Which language do you refer to, sir?

22           Q     Yes. I'm referring to the language  
23 written here at location of assembly and the language  
24 here at location of assembly (indicating).

25           A     It looks very similar to me.

1           Q     Okay. So I guess would they essentially  
2 -- is it your understanding that they're asking for the  
3 same thing?

4           A     The language is very similar, so it seems  
5 like it's asking -- it's a similar request.

6           Q     Okay. Then second, with regard to the --  
7 I guess this writing here and that writing there  
8 (indicating).

9           A     Uh-huh.

10          Q     Are those the same as well?

11          A     There's more specificity in the 2015 as  
12 far as exactly whether it's the south or the north side  
13 of Kirkpatrick Street.

14          Q     Okay. But other than that, they appear  
15 to be --

16          A     The language is very similar.

17          Q     Okay. And the same question with regard  
18 to the designation there in the one on the bottom corner  
19 of number 9?

20          A     The last couple of phrases is slightly  
21 different, but it's essentially the same meaning.

22          Q     Okay. Okay.

23          A     However, I will point out that there is  
24 no indication of approval on this so it just seems to be  
25 -- the 2016 document and the 2015 document just seem to

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1 be a permit request.

2 Q Right. Right. Okay. And the last  
3 document I'm going to give you.

4 A Okay.

5 MR. MANGINI: This one is going to  
6 be 10.

7 MS. HARRINGTON: Has that been  
8 previously marked?

9 MR. LONG: Yeah.

10 MR. MANGINI: Sorry.

11 MR. LONG: That's okay. Thank you.

12 (Whereupon Exhibit No. 10 was marked for  
13 identification, 5/2/17, EAB)

14 A Let me take a sec to examine the  
15 document. I've looked at it.

16 EXAMINATION BY MR. MANGINI:

17 Q Okay. And so have you seen this document  
18 before?

19 A I don't remember seeing this precise  
20 document.

21 Q Okay.

22 A Hold on. No, I don't remember seeing  
23 this precise document.

24 Q Okay. What's your understanding of --  
25 or, actually, with regard to the comments there, what's

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1 your understanding of what that -- what that means?

2 A What it says is, "Per Sam White. Per  
3 court decision."

4 Q Okay. And what's your understanding of  
5 what that essentially means?

6 MS. HARRINGTON: Object to form.

7 MR. LONG: Object to form.

8 A I can't read Sam's mind. I can tell you  
9 that when I spoke to him on 6/13 he did indicate that  
10 there -- the -- any kind of a buffer zone was prohibited  
11 in the judge's order and that is also indicated in the  
12 subsequent news reporting on Syracuse.com.

13 Q Gotcha. Okay. Okay. So is your  
14 understanding of what I guess Exhibit 9 is requesting is  
15 a -- is a buffer zone?

16 MR. LONG: Object to form.

17 A I think that what it's requesting is  
18 exclusive use of sound amplification and exclusive use  
19 of a location. That's what it's requesting.

20 Q Okay. Okay. All right.

21 A The buffer zone was never in my language.

22 Q Okay. Where did you hear that language?

23 MR. LONG: Object to form.

24 A It's here in a Syracuse Post Standard  
25 article.

GEWANTER - MANGINI

1 Q Okay.

2 A Entitled "Judge Nixes Buffer Zone Keeping  
3 Antigay Protester Away from CNY Pride Fest."

4 Q Right. Okay.

5 MR. LONG: It's 4 o'clock. I  
6 apologize. The ringing was that.

7 THE WITNESS: That's fine. I just  
8 have to be at ML King at 4:30. Thank  
9 you.

10 MR. LONG: You're welcome.

11 EXAMINATION BY MR. MANGINI:

12 Q I'm almost done. I guess my only other  
13 question is: Do you recall seeing Mr. Deferio at the --  
14 well, actually, I guess, two more questions.

15 First off, do you remember seeing  
16 Mr. Deferio at the 2016 CNY Pride festival?

17 A I don't have a specific recollection of  
18 being there, but I believe he was there.

19 Q Okay. Do you remember any incidents  
20 occurring regard -- with him?

21 MS. HARRINGTON: Object to form.

22 A In 2016 I didn't witness any incidents.  
23 I don't recall being told about any incidents.

24 Q Okay. Then -- okay. Also, with regard  
25 to 2017, have -- has CNY Pride submitted a permit

1 application for 2017?

2 A I do not know.

3 Q Okay. Do you know if they plan to?

4 A I assume so. If they want to hold the  
5 event, they have to.

6 MR. MANGINI: Gotcha. Okay. Okay.

7 That's all the questions I have.

8 THE WITNESS: Okay.

9 MS. HARRINGTON: No questions from  
10 us.

11 MR. LONG: No questions.

12 MS. HARRINGTON: Thank you very  
13 much.

14 (Whereupon the deposition concluded at  
15 4:01 p.m.)

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1                   C E R T I F I C A T I O N  
2  
34                   I, MARY E. BURNHAM, Court Reporter, and  
5 Notary Public in and for the State of New York, DO  
6 HEREBY CERTIFY that I attended the foregoing  
7 proceedings, took stenographic notes of the same, that  
8 the foregoing is a true and correct copy of same and the  
9 whole.

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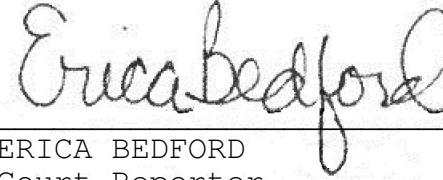
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ERICA BEDFORD  
Court Reporter

Dated: May 18, 2017

SIGNATURE PAGE OF BARRIE GEWANTER

I, BARRIE GEWANTER, hereby certify that I have read the transcript of my testimony taken under oath and that the transcript is a true and complete record of my testimony, and that the answers on the record as given by me are true and correct.

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## **BARRIE GEWANTER**

Sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 2017

## Notary Public

# BARRIE GEWANTER

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# BARRIE GEWANTER

<p><b>T</b></p> <p><b>that's</b> [19] 6/13 11/16 11/19 15/18 20/13 21/23 21/23 32/20 40/1 41/11 46/21 53/10 55/17 58/20 60/19 62/11 63/19 64/7 65/7</p> <p><b>their</b> [9] 8/13 12/16 12/22 14/4 14/4 31/13 47/9 56/2 58/6</p> <p><b>them</b> [21] 7/22 7/23 7/23 9/2 12/11 12/21 13/19 13/19 14/12 16/15 16/17 17/15 19/19 23/11 31/3 32/18 33/11 52/18 52/20 58/7 58/9</p> <p><b>then</b> [17] 11/16 11/17 11/19 13/20 25/14 27/24 38/9 41/5 42/24 46/5 51/22 51/22 54/7 55/18 58/12 61/6 64/24</p> <p><b>there</b> [41] 9/19 9/21 11/15 13/2 14/8 14/9 14/13 17/12 17/15 18/23 35/4 35/8 37/11 37/25 38/1 38/16 41/20 43/16 46/2 46/14 47/19 47/22 49/6 49/11 49/12 49/14 50/21 50/22 52/10 52/11 58/25 60/1 60/1 60/19 61/7 61/18 61/23 62/25 63/10 64/18 64/18</p> <p><b>there's</b> [7] 9/20 9/24 13/7 32/7 43/2 53/16 61/11</p> <p><b>thereto</b> [1] 4/20</p> <p><b>these</b> [13] 10/5 15/16 33/6 42/21 44/12 51/18 51/23 52/9 52/18 53/14 53/15 53/15 56/25</p> <p><b>they</b> [34] 8/24 9/3 13/17 14/1 14/2 14/3 14/20 24/19 24/20 24/21 26/1 29/5 29/5 29/13 32/6 32/8 32/13 33/6 33/12 33/13 33/15 37/19 40/2 43/21 47/17 49/3 57/19 58/6 58/6 61/1 61/14 65/3 65/4 65/5</p> <p><b>they're</b> [6] 8/23 13/16 23/1 29/6 56/22 61/2</p> <p><b>thing</b> [6] 12/25 13/1 16/16 41/16 53/5 61/3</p> <p><b>things</b> [10] 8/7 9/22 11/6 12/18 13/24 14/12 48/7 48/7 56/7 56/18</p> <p><b>think</b> [11] 10/2 20/15 20/25 21/3 24/20 29/3 39/20 55/22 56/4 56/5 63/17</p> <p><b>third</b> [1] 33/4</p> <p><b>this</b> [94]</p> <p><b>those</b> [21] 10/13 11/6 12/2 12/15 15/2 17/7 24/15 26/20 30/15 35/4 39/15 39/16 45/25 50/16 51/2 51/6 51/11 51/23 59/23 60/2 61/10</p> <p><b>three</b> [4] 27/17 27/19 53/15 53/16</p> <p><b>through</b> [3] 12/2 15/8 19/16</p> <p><b>time</b> [21] 4/12 11/13 18/14 18/16 21/10 25/1 27/14 29/9 29/14 37/16 38/12 38/14 39/5 39/23</p>	<p>40/5 40/6 41/10 41/22 43/8 47/1 50/6</p> <p><b>times</b> [4] 12/23 12/24 20/16 56/22</p> <p><b>today</b> [1] 58/1</p> <p><b>TODD</b> [1] 1/24</p> <p><b>together</b> [4] 10/24 26/2 28/22 47/18</p> <p><b>told</b> [1] 64/23</p> <p><b>Tony</b> [1] 5/5</p> <p><b>too</b> [3] 7/10 46/22 52/19</p> <p><b>took</b> [4] 34/21 35/1 52/11 66/7</p> <p><b>top</b> [4] 17/16 17/23 19/19 32/18</p> <p><b>touch</b> [1] 56/21</p> <p><b>transcript</b> [4] 4/8 4/9 67/18 67/19</p> <p><b>transfers</b> [1] 21/2</p> <p><b>traveling</b> [1] 17/17</p> <p><b>trial</b> [1] 4/12</p> <p><b>true</b> [3] 66/8 67/19 67/20</p> <p><b>try</b> [1] 48/5</p> <p><b>trying</b> [1] 44/14</p> <p><b>turn</b> [3] 39/15 44/22 44/23</p> <p><b>TWD</b> [1] 1/5</p> <p><b>twice</b> [1] 8/15</p> <p><b>two</b> [8] 13/21 34/13 42/21 52/5 53/21 60/2 60/13 64/14</p> <p><b>two-way</b> [2] 13/21 34/13</p> <p><b>type</b> [1] 25/22</p> <p><b>types</b> [1] 8/25</p>	<p><b>Utica</b> [1] 7/14</p> <p><b>utilized</b> [1] 4/14</p> <hr/> <p><b>V</b></p> <p><b>van</b> [1] 38/7</p> <p><b>various</b> [1] 9/21</p> <p><b>vendors</b> [3] 9/19 9/22 11/1</p> <p><b>versus</b> [4] 12/24 14/22 25/21 47/17</p> <p><b>very</b> [11] 14/13 17/17 27/18 27/18 50/22 52/7 57/13 60/25 61/4 61/16 65/12</p> <p><b>via</b> [1] 19/17</p> <hr/> <p><b>W</b></p> <p><b>waived</b> [3] 4/5 4/9 4/18</p> <p><b>want</b> [10] 6/4 8/21 14/16 15/13 17/5 24/5 31/2 33/5 46/22 65/4</p> <p><b>wanted</b> [3] 24/19 24/21 30/24</p> <p><b>wants</b> [2] 12/16 48/22</p> <p><b>was</b> [105]</p> <p><b>washington</b> [1] 1/23</p> <p><b>wasn't</b> [3] 33/14 37/21 52/16</p> <p><b>way</b> [5] 8/23 12/15 13/21 25/1 34/13</p> <p><b>we</b> [25] 8/1 15/10 27/22 27/23 27/24 27/24 30/24 33/5 34/2 34/18 35/12 35/12 36/5 38/5 38/10 41/20 44/11 45/20 52/24 54/15 54/16 58/13 58/14 58/17 58/19</p> <p><b>we'd</b> [1] 51/23</p> <p><b>we'll</b> [2] 44/4 51/22</p> <p><b>we're</b> [2] 40/10 56/4</p> <p><b>we've</b> [1] 15/17</p> <p><b>welcome</b> [1] 64/10</p> <p><b>well</b> [13] 10/13 11/13 15/22 16/17 18/20 32/12 44/12 46/7 52/3 58/16 60/10 61/10 64/14</p> <p><b>went</b> [2] 39/14 58/19</p> <p><b>were</b> [34] 5/14 14/9 14/11 14/12 14/20 14/22 16/14 17/13 17/17 17/21 17/23 18/18 19/16 22/21 23/11 23/19 24/10 29/2 29/13 32/13 32/25 33/13 34/25 37/19 37/25 38/1 48/8 49/12 50/16 50/21 51/2 57/7 58/5 59/13</p> <p><b>what</b> [120]</p> <p><b>what's</b> [19] 7/19 9/14 9/25 28/18 28/18 30/19 30/20 31/7 41/24 43/20 45/3 46/11 46/14 55/13 55/14 55/20 62/24 62/25 63/4</p> <p><b>whatever</b> [1] 11/3</p> <p><b>whatsoever</b> [1] 52/12</p> <p><b>when</b> [31] 6/24 8/1 8/4 9/11 10/17 12/1 13/7 14/24 15/2 16/25 17/3 18/1 20/25 21/6 21/10 23/8 23/11 24/9 24/20 25/7 27/7 27/8 30/4 31/14 32/20 33/18 34/4 39/11 50/22 52/24 63/9</p> <p><b>where</b> [29] 5/24 5/24 6/2 8/2 10/9 10/12 13/16 14/8 14/19 14/21 14/22 16/24</p>
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## BARRIE GEWANTER

### **W**

**where...** [17] 18/9 19/1  
 25/2 34/1 34/4 34/18  
 37/10 39/9 40/10 41/20  
 46/2 48/12 48/16 48/17  
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**whereupon** [11] 16/5 22/4  
 28/6 35/20 40/14 42/13  
 44/6 54/23 59/1 62/12  
 65/14  
**whether** [7] 8/24 18/14  
 21/18 24/25 34/21 37/7  
 61/12  
**which** [16] 11/16 14/1  
 18/18 21/2 27/21 38/18  
 39/19 40/9 47/18 49/12  
 56/13 56/22 57/6 57/18  
 59/21 60/21  
**white** [10] 15/24 28/20  
 29/9 45/2 46/5 50/19  
 51/17 53/19 55/22 63/2  
**who** [8] 10/4 19/24 20/5  
 29/2 29/5 29/18 39/13  
 59/10  
**whole** [1] 66/9  
**whom** [1] 47/11  
**whose** [1] 22/20  
**why** [8] 29/6 29/19 29/25  
 37/17 43/2 43/4 43/19  
 43/21  
**will** [6] 12/21 17/12 34/8  
 52/9 57/12 61/23  
**willing** [2] 32/13 32/14  
**wing** [1] 55/9  
**wishes** [1] 10/6  
**within** [7] 4/8 8/10 11/18  
 14/5 14/7 33/15 38/11  
**without** [7] 14/5 18/16  
 19/18 24/13 27/20 34/14  
 38/22  
**witness** [6] 4/7 5/2 49/2  
 51/25 55/3 64/22  
**word** [1] 25/23  
**words** [6] 17/7 18/23 19/4  
 19/6 23/11 49/12  
**work** [5] 5/25 6/1 7/5 8/3  
 27/17  
**worked** [5] 6/2 6/8 7/9  
 7/16 39/11  
**workers'** [1] 7/17  
**working** [1] 28/22  
**works** [1] 11/9  
**would** [47] 5/9 5/17 6/25  
 9/2 10/23 10/25 13/17  
 13/18 14/10 16/20 18/17  
 21/18 23/12 23/18 23/19  
 23/22 24/8 24/16 24/25  
 25/21 27/10 27/19 27/20  
 31/16 32/10 35/7 36/15  
 37/17 38/1 40/3 42/5  
 43/10 44/13 45/11 46/16  
 46/25 47/3 47/10 47/18  
 48/5 52/6 52/25 54/19  
 54/22 58/15 59/24 61/1  
**wouldn't** [1] 21/8  
**writing** [2] 61/7 61/7  
**written** [6] 19/5 19/6  
 46/14 60/12 60/19 60/23  
**wrote** [3] 23/11 28/17  
 32/2

### **Y**

**yeah** [19] 15/20 22/8  
 25/24 26/21 28/11 28/11  
 35/16 36/7 38/2 38/15

44/9 45/15 45/20 51/22  
 53/9 54/20 54/20 54/20  
 62/9  
**year** [19] 8/18 9/10 13/16  
 13/17 21/16 22/9 24/18  
 24/19 25/21 25/21 47/17  
 47/17 48/3 48/18 49/1  
 49/8 49/23 49/23 49/24  
**years** [16] 10/11 10/15  
 10/16 12/1 14/2 14/2 20/1  
 21/19 21/19 26/1 26/6  
 27/17 27/19 47/18 50/6  
 60/13  
**yell** [2] 14/11 48/7  
**yelled** [2] 20/15 20/18  
**yelling** [1] 19/18  
**yes** [23] 11/10 13/12  
 15/14 15/14 16/2 22/14  
 25/5 26/6 38/10 41/18  
 42/12 42/23 44/16 50/15  
 51/4 51/22 53/1 53/7 55/5  
 58/3 58/21 59/15 60/22  
**YORK** [9] 1/1 1/15 1/17  
 1/24 6/8 6/15 6/17 7/1  
 66/5  
**you** [193]  
**you'd** [2] 44/10 56/12  
**you're** [9] 16/25 19/23  
 24/1 26/13 32/20 48/21  
 54/18 58/23 64/10  
**you've** [3] 56/8 57/25  
 58/1  
**your** [20] 5/10 7/19 11/11  
 12/19 18/8 20/7 23/13  
 26/15 37/13 44/12 46/11  
 48/20 53/14 56/14 58/4  
 61/2 62/24 63/1 63/4  
 63/13  
**yourself** [2] 5/18 56/15

### **Z**

**zone** [4] 63/10 63/15  
 63/21 64/2

**White, Sam**

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**From:** chris shepherd <syrvnguy@hotmail.com>  
**Sent:** Monday, June 16, 2014 10:27 AM  
**To:** White, Sam; Naylor, Patrick; Roach, Mary Beth  
**Cc:** The Rev. Doctor Bruce Carter; Jayme Martin; pkehoe@live.com  
**Subject:** Pride Parade 6/21/14  
**Attachments:** Parade Neighbors Notice.doc  
  
**Importance:** High

I am waiting for an email with your insurance certificates naming the City as an additional insured for the Parade and festival which i expect to have shortly and will foward immediately to you.

This confirms that Sam White from the City of Syracuse and I have discussed moving the step off location one block westward for this parade owing to construction and access at 690/W. Genessee offramp near Plum Street. I understand and we both agree to this change in the interest of saftey.

This should leave unchanged our request use of the sidewalks at the end of the route surrounding the immediate perimiter of the entrance to Inner Harbor Park, as we have added security there per a request from the city Parks Department.

I do need some professional guidance from SPD on redirecting the staging/sign in of the parade and if Sgt Naylor or a responsible designee would please discuss this with me I would be grateful. 380-6445 cell or 435-2411.

It appears the following becomes our revised route.... This does pass two residential units on Leavenworth...and I do need advice on that, too.

PC - 028414

- The same area of Belden/Plum for line-up just turned 180 degrees to walk down Belden to Leavenworth,
- One block on Leavenworth,
- one block W Genesee,
- then the remainder on Van Rensalier

Let me also mention again the need for the officers who work this assignment to be vigilant about the small number of individuals or protesters intruding on the parade route as happened in 2012 when this general route for the parade was last used.

Attached is the notice we delivere Thursday/Friday along the Parade route, revised for this year.

THANK YOU both for your assistance and I look forward to continuing to work well with you.



PERMIT # \_\_\_\_\_

**SYRACUSE POLICE DEPARTMENT  
PARADE/PUBLIC ASSEMBLY PERMIT  
(CITY ORDINANCE SECTION 16-35)**

Requesting Organization: <b>CNY PRIDE, Inc.</b>	Name of Applicant/Representative <b>Chris Shepherd, Chair Parade</b>
Address: <b>P.O. Box 808, Syr. NY 13217</b>	Address: <b>212 W. Mollay Rd Syr. 13211</b>
Phone Business: <b>315-254-2386 / 315-380-1720</b>	Phone Business: <b>315-435-2411</b>
Phone Home: <b></b>	Phone Home: <b>315-360-6445</b>
E-mail <b>contactpage@cnypride.wix.com</b>	E-mail <b>syrvmaqy@hotmail.com</b>

Date of Application: 6-6-13 Reason/ Purpose of Application: Annual Parade

**PC - 0284 - 14****PARADE APPLICATION:**

Formation location: Belden & Plum Streets Dispersal location: Inner Harbor Park

Day/Date: SAT June 21 Start Time: 10AM Finish Time: 1PM

Parade Route: as attached

Continued \_\_\_\_\_ Sound System: YES    NO   

Estimated Number of Participants: 400 # of Motor Vehicles (See requirements on reverse): 5

**PUBLIC ASSEMBLY APPLICATION:**

Explain the Public Assembly (concert, protest, demonstration etc) as part of above

Date(s) of Assembly: SAT JUNE 21 Start Time: 11AM Finish Time: 5PM

Location(s) of Assembly: sidewalks bordering Kirkpatrick Street @ Inner Harbor Park for security Expected # of Participants: \_\_\_\_\_  
 Estimated Maximum #: 1000   
 Estimated Minimum #: 3500

Sound System: YES X  NO    Speakers, names: 4 speakers no speakers @ sidewalks

Date of Issuance \_\_\_\_\_

Special Events Section C.O. \_\_\_\_\_

Uniform Bureau Deputy Chief \_\_\_\_\_

\*\*\*\*\* Police Stipulations \_\_\_\_\_ if checked see attached sheet



## NOTICE TO PARADE/PUBLIC ASSEMBLY PERMIT APPLICANTS

Applicant/Authorized Representative, please be advised that the Syracuse Police Department does not provide police services free of charge for Parades/Public Assembly's where officers have to be brought in to cover the event. There will not be a charge for Police services when the Department determines that based on the size or type of event, routine patrol functions are sufficient. The Special Events Section will review the Police deployment and associated costs with the applicant (via telephone or face to face meeting) before the permit is issued.

The expense for each Officer will be based on the current hourly overtime rate. The number of officers assigned to an event will be determined by the Police Department taking into consideration the type of event, location of event, alcohol being served, the number of participants and the level of street usage approved for the event. The event organizer will be required to reimburse the Syracuse Police Department for Police deployment associated with the event within 30 days of receiving the invoice for services rendered.

The Syracuse Police Department shall determine if the Parade/Assembly requires the closure of the entire street,  $\frac{1}{2}$  the street or no closure of the street. Participants may be directed to use the sidewalk; based on the day of the week, time of day, and participant's safety.

Two events will not be allowed to use the same route/assembly location without written permission of both requesting organizations and the approval of the Syracuse Police Department.

### VEHICLE PARTICIPATION

Any motor vehicle participating in the any parade or public assembly must meet all New York State Vehicle & Traffic rules & regulations including valid registration, current insurance coverage, current NYS Inspection and the vehicle must be operated by a driver licensed to operate the type of motor vehicle involved. Proof of this requirement must be available for all vehicles and all drivers at the time of the event and must be produced if a Syracuse Police Officer so requests. Any motor vehicle or driver who does not have such proof on the day of the event will not be allowed to participate in the event.

\*\*\*This permit can be revoked due to emergency conditions that may arise before or during the course of the event for which granted, or for violations of any of the following regulations.\*\*\*

- 1) The applicant should carry a copy of this permit on his/her person during the event and will be designated as the contact person available to Police Officers for the transmission of messages or directions to all persons participating or attending the event. If the applicant is not going to be on scene then another individual must carry the permit and make his position known to the Police Officers on scene.
- 2) All persons participating in or attending the event shall obey the lawful commands of any Police Officer and shall conduct themselves in a lawful manner at all times.
- 3) Parades/processions will proceed at a constant pace and shall not be stopped (unless agreed to in advance, with the Police) except upon direction of the Police.
- 4) All sections/groups in a parade/procession shall remain in close proximity to each other and will not step out of line to perform independent maneuvers.
- 5) The normal flow of traffic shall not be deterred except in instances where a Police Officer performs this disruption.
- 6) If the actual number of participants exceeds the estimated maximum number of participants to the point where the Syracuse Police Department feels the assigned police coverage is not adequate to provide for a safe environment for the participants or the public in general , the Police Department can, at its discretion, delay or cancel the event if.

Contact information:

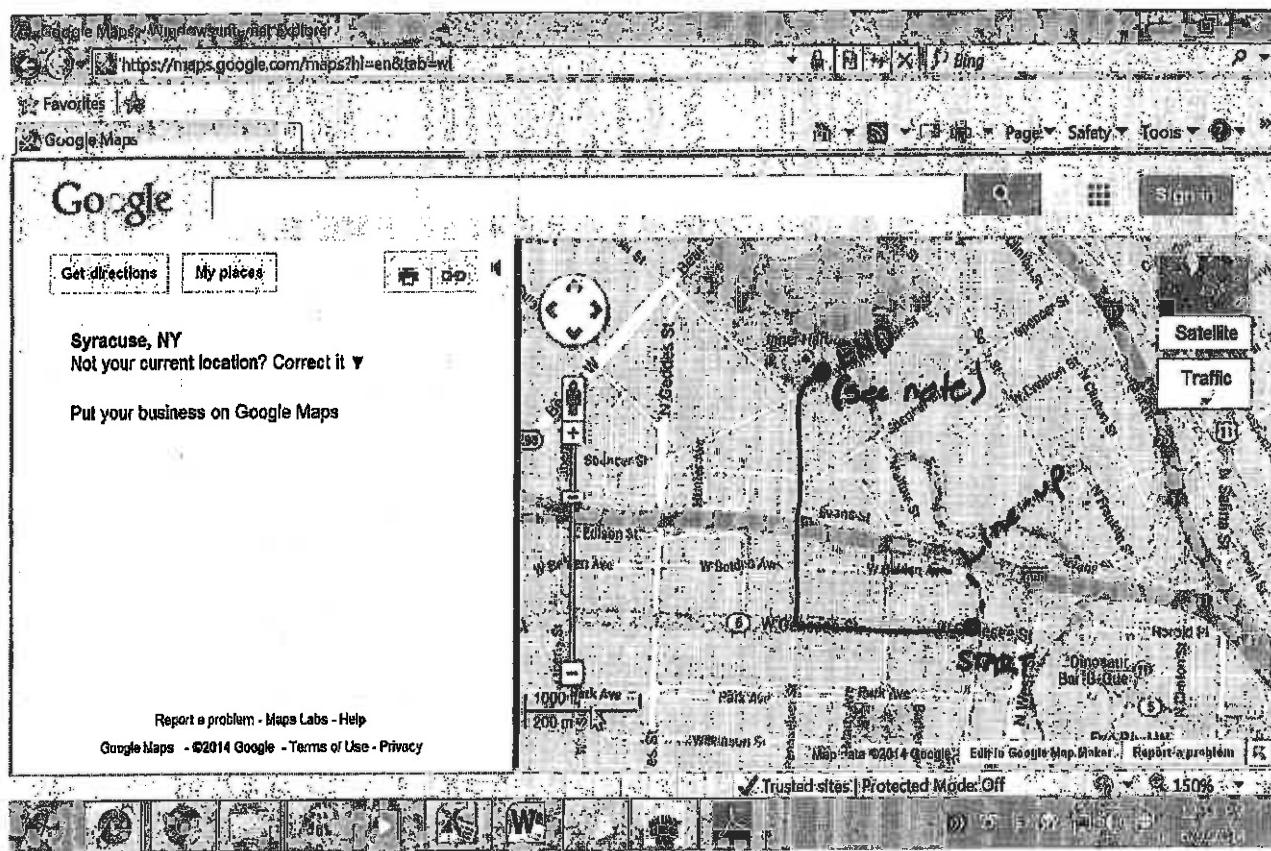
Name: Chris Shepherd Address: CIVY pridePol608 Syr 13217

Telephone Daytime: 315-435-2411 Other Telephone: 315-380-6445

E-mail: SyvVn guy@hotmail.com

Signature: Chris Shepherd Title: Parade chair

PC - 0284 - 14



Same route used 2012.

Barricades needed at Belden, Spencer, Kirkpatrick St.

note: sidewalk area on North side of Kirkpatrick across from Parks facility needed for security



Long, Todd

**From:** Barrie Gewanter <bgewanter@nyclu.org>  
**Sent:** Friday, June 05, 2015 7:15 PM  
**To:** pkluge@syracusepolice.org; White, Sam  
**Cc:** bholtman@syracusepolice.org; josephdoyle@syrgov.net; chris shepherd; dbcarter@syr.edu; jsweeney@syracusepolice.org  
**Subject:** Draft Permit REquests for Pride Flag Raising, Parade, Line Up, and Portion of Sidewalks adjacent to Driveway Into Festival  
**Attachments:** CNY Pride.2015.Draft Permit Req 1.Flag Raise 6.15.pdf; CNY Pride.2015.Draft Permit Req 2.Street Close for Line Up & Parade6.20.pdf; CNY Pride.2015.Draft Permit Req 3.Sdwalk Next to Fest Drvwy6.20.pdf

To: Officer Kluge - Syracuse Police / Sam White - Syracuse Permits Office  
CC: Lt. Holtman - Syracuse Police / Joe Doyle - Corporation Counsel / Chris Shephed & Bruce Carter - CNY Pride

Officer Kluge and Mr. White,

We have an appt for a meeting with you at Police HQ on Monday at 10am to review the permit requests for the Pride Flag Raising and Parade.

This email should serve as confirmation of that meeting. The attachments are documents for discussion at this meeting.

We all agreed to this meeting to ensure that the language on the permit requests will provide the police with the bases they need for law enforcement purposes on those days.

We wanted to make sure that the permits clearly delineate the physical and sound spaces for which CNY Pride is looking for exclusive use during the related events. We also wanted to ensure continuity of communication given changes in personnel and permitting processes over the years.

Additionally, in the past, police command officers deployed for this detail have indicated that the language in the permits are crucial to their ability to deal fairly and effectively with situations created when counter protestors show up with a bullhorn or attempt to be in close proximity to Pride participants. We greatly appreciate the assistance the police provide to Pride participants during the parade and festival. We want to make sure that the permit language provides these officers with what they need to protect and serve everyone that day.

In preparation for this meeting, please find the attached draft permit requests. I will also bring 4 hardcopies of these permit requests with me.

Request 1 - Is an Assembly Request for the flag raising on Monday June 15. This includes a request for exclusive use of sound amplification during this event.

Request 2 - Is a Street Closing Request Forms for the Parade Line Up on Plum and W. Belden AND the related Assembly and Parade Permit Request. Note: We are working on the insurance certificate, and will bring a check for the street closing application fee with us on monday. This includes a request for exclusive use of sound amplification during this period.

Request 3 - Is an Assembly Request for a portion of the sidewalks on either side of the Driveway into the Festival in Inner Harbor Park on the N. Side of Kirkpatrick. Note that we are not asking for the City to close the entire sidewalk adjacent to the Festival on Kirkpatrick, only 15-20 feet on either side of the driveway. Any counter protestor could still stand on the sidewalk and express their message, just not right on top of the people coming into and leaving the festival at the driveway entrance. This should reduce the kind of friction and confrontation that has occurred at that location in past

years that has required police attention. Any such counter-protester would still have adequate proximity to his intended audience, but constitutional precedent doesn't require that such a counter-protestor be allowed to be immediately adjacent to his audience. This request also includes a request for exclusive use of sound amplification during the Festival hours.

We look forward to the discussion on Monday

Barrie

Barrie Gewanter  
Director - Central NY Chapter  
of the NY Civil Liberties Union (ACLU)  
731 James St., Suite 205  
Syracuse, NY. 13203  
[bgewanter@nyclu.org](mailto:bgewanter@nyclu.org)  
[www.nyclu.org/regions/central](http://www.nyclu.org/regions/central)

Check out our chapter's Facebook page! <https://www.facebook.com/cnyclu>

DEPOSITION  
EXHIBITBewanter 4  
5/21/17 ENR

PERMIT # \_\_\_\_\_

SYRACUSE POLICE DEPARTMENT  
PARADE/PUBLIC ASSEMBLY PERMIT  
(CITY ORDINANCE SECTION 16-35)

Requesting Organization: <b>CNY PRIDE, INC</b>	Name of Applicant/Representative <b>CHRIS SHEPHERD, CHAIR OF PARADE</b>
Address: <b>P. O. BOX 6608</b>	Address: <b>212 W. MOLONY RD</b>
Phone Business: <b>315-254-2386 / 315-254-2380</b>	Phone Business: <b>315-435-2411</b>
Phone Home: <b>1720</b>	Phone Home: <b>315-380-6445</b>
E-mail <b>contactpage@cnypride.wix.com</b>	E-mail <b>Syrvnguy@hotmail.com*</b>

Date of Application: 6/6/15 Reason/ Purpose of Application: ANNUAL CNY PRIDE PARADE

## PARADE APPLICATION:

Formation location: W. BELDEN + PWM ST Dispersal location: INNER HARBOR PARKDay/Date: SAT JUNE 20, 2015 Start Time: 10:00 AM Finish Time: 11:30 AM  
LINE UP / SETUP PARADE START 11:00 AMParade Route: SEE ATTACHED MAP - W. GENESEE TO VAN RENSSELAER  
PWM +Continued TO W. KIRKPATRICK Sound System: YES  NO Estimated Number of Participants: 4-500 # of Motor Vehicles (See requirements on reverse): 8-10(WE REQUEST EXCLUSIVE USE OF SOUND AMPLIFICATION ALONG PARADE ROUTE, ON KIRKPATRICK AND  
PUBLIC ASSEMBLY APPLICATION: IN VAN RENSSELAER AT END OF PARADE PERIOD AND  
Explain the Public Assembly (concert, protest, demonstration etc) AT DISPERSAL POINT)Date(s) of Assembly: SAT JUNE 20 2015 Start Time: 10:00 Finish Time: 11:30  
LINE UP SET UP FOR PRIDE PARADELocation(s) of Assembly: PWM ST AT  
W. GENESEE TO W. BELDEN  
AND W. BELDEN TO KIRKPATRICK Expected # of Participants: 4-500  
Estimated Maximum #: 500  
Estimated Minimum #: 350Sound System: YES  NO  Speakers, names:  
WE REQUEST EXCLUSIVE USE OF SOUND AMPLIFICATION WITHIN AND ADJACENTTO PERMITTED AREA DURING  
SPECIFIED TIME Date of Issuance \_\_\_\_\_

Special Events Section C. O. \_\_\_\_\_

Uniform Bureau Deputy Chief \_\_\_\_\_

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\*\*\*\*\* Police Stipulations \_\_\_\_\_ if checked see attached sheet

(315) 569-6334

\* PLEASE SEND COMMUNICATIONS ALSO TO [bewanter@nycb.org](mailto:bewanter@nycb.org)

## NOTICE TO PARADE/PUBLIC ASSEMBLY PERMIT APPLICANTS

Applicant/Authorized Representative, please be advised that the Syracuse Police Department does not provide police services free of charge for Parades/Public Assembly's where officers have to be brought in to cover the event. There will not be a charge for Police services when the Department determines that based on the size or type of event, routine patrol functions are sufficient. The Special Events Section will review the Police deployment and associated costs with the applicant (via telephone or face to face meeting) before the permit is issued.

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The Syracuse Police Department shall determine if the Parade/Assembly requires the closure of the entire street, 1/2 the street or no closure of the street. Participants may be directed to use the sidewalk, based on the day of the week, time of day, and participant's safety.

Two events will not be allowed to use the same route/assembly location without written permission of both requesting organizations and the approval of the Syracuse Police Department.

### VEHICLE PARTICIPATION

Any motor vehicle participating in the any parade or public assembly must meet all New York State Vehicle & Traffic rules & regulations including valid registration, current insurance coverage, current NYS Inspection and the vehicle must be operated by a driver licensed to operate the type of motor vehicle involved. Proof of this requirement must be available for all vehicles and all drivers at the time of the event and must be produced if a Syracuse Police Officer so requests. Any motor vehicle or driver who does not have such proof on the day of the event will not be allowed to participate in the event.

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- 1) The applicant should carry a copy of this permit on his/her person during the event and will be designated as the contact person available to Police Officers for the transmission of messages or directions to all persons participating or attending the event. If the applicant is not going to be on scene then another individual must carry the permit and make his position known to the Police Officers on scene.
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#### Contact information:

Name: CHRIS SHEPHERD Address: CNY PRIDE PO BOX 6608 SYRACUSE, NY 13217  
Telephone Daytime: 315-435-2411 Other Telephone: 315-380-6445  
E-mail Syrynguy@hotmail.com AND bgewanter  
Signature: Chris Shepherd Title: PARADE CHAIR @nyclj.org

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DRAFT

## NOTICE

~~Tomorrow, Saturday, June 20<sup>th</sup>, the Annual CNY Pride Parade will be held.~~

Between 10am and 11:30am tomorrow, the participants in the Pride Parade will assemble and line up on Plum Street (from W. Genesee to W. Belden) and on W. Belden St (from Kirkpatrick to Plum). These streets will be temporarily closed for this purpose during that time. CNY Pride has sought and received a permit from the City to do this.

The Pride Parade will begin between 11am and 11:15am on W. Genesee at Plum Street. The Parade will progress west along Genesee in the 600 and 700 blocks of W. Genesee Street, and then turn right on Van Rensselaer Street to proceed towards the Inner Harbor Park and Amphitheatre on Kirkpatrick Street. CNY Pride has sought and received a permit from the City to do this.

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PC -

The Syracuse Police Department will close the westbound lanes of traffic on W. Genesee in these blocks for a few minutes before 11am until the last parade participants have turned onto Van Renssalaer St. The parade should pass through this point by 11:30am.

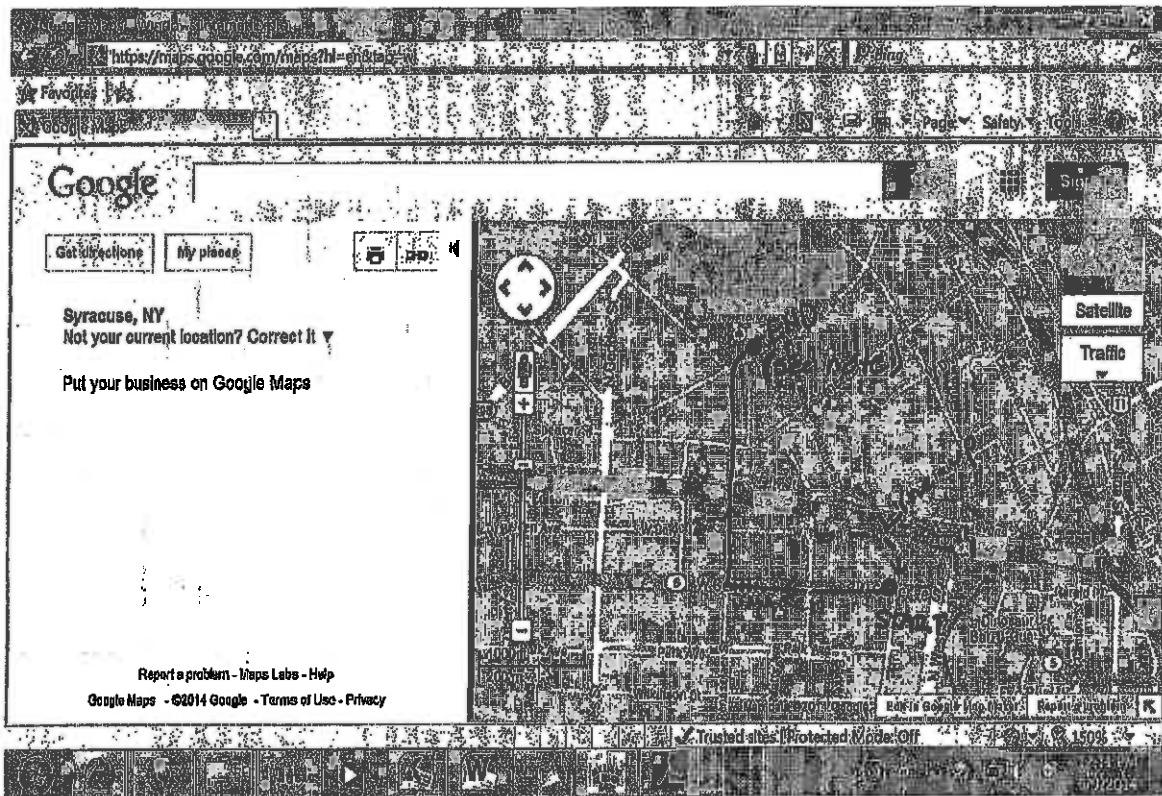
Following the parade, there will be a lively Festival at the Inner Harbor Park. This will include musical acts, a comedian, and numerous vendors and food booths. You are most welcome to drop by.

Dr. Bruce Carter, President CNY Pride Inc.

Christopher Shepherd, Parade Chair

PC - 0284 - 14

PC - 0329 - 15



Same route used 2014.

Barricades needed at Belden, Spencer, Kirkpatrick St.

note. Sidewalk area <sup>20 feet on either side of Deweyway</sup> ~~on North side of Kirkpatrick~~ <sup>TO INNER HARBOR PARK</sup>

~~Security~~ needed for security + FIRST AMENDMENT  
ATTN MBS

DURING PARADE + FESTIVAL HOURS

DEPOSITION  
EXHIBITPRIDE  
3  
REQUEST

PERMIT # \_\_\_\_\_

SYRACUSE POLICE DEPARTMENT  
PARADE/PUBLIC ASSEMBLY PERMIT  
(CITY ORDINANCE SECTION 16-35)

Requesting Organization: <b>CNY PRIDE, INC.</b>	Name of Applicant/Representative <b>Chris Shepherd, Chair Parade</b>
Address: <b>P.O. Box 6608</b>	Address: <b>212 W. MULROY RD</b>
Phone Business: <b>315-254-2386 / 315-380-1720</b>	Phone Business: <b>315-435-2411</b>
Phone Home: _____	Phone Home: <b>315-380-6445</b>
E-mail: <b>Contactpage@cnypride.wix.com</b>	E-mail: <b>S1/rVmguy@hotmail.com *</b>

Date of Application: 6/16/15 Reason/ Purpose of Application: FIRST AMENDMENT ACTIVITIES  
AT ENTRANCE TO PRIDE FESTIVAL

**PARADE APPLICATION:**

Formation location: \_\_\_\_\_ Dispersal location: \_\_\_\_\_

Day/Date: \_\_\_\_\_ Start Time: \_\_\_\_\_ Finish Time: \_\_\_\_\_

Parade Route: \_\_\_\_\_

Continued \_\_\_\_\_ Sound System: YES        NO       

Estimated Number of Participants: \_\_\_\_\_ # of Motor Vehicles (See requirements on reverse): \_\_\_\_\_

**PUBLIC ASSEMBLY APPLICATION:**

Explain the Public Assembly (concert, protest, demonstration etc) FESTIVAL ENTRY LOCATION

Date(s) of Assembly: SAT JUNE 20, 2015 Start Time: 10:00 AM Finish Time: 5:00 PM

Location(s) of

Assembly: DRAWDOWNS INTO WINE HARVEST PARK ON KIRKPATRICK AND ADJACENT SIDEWALKS FOR 20 FT TO EITHER SIDE OF DRAWDOWN ON N. SIDE OF KIRKPATRICK. Expected # of Participants: 3000  
Estimated Maximum #: 3500  
Estimated Minimum #: 1000

Sound System: YES X NO        Speakers, names: ORGANIZERS + PERFORMERS

(WITHIN FESTIVAL GROUNDS ADJACENT TO THIS LOCATION)

WE REQUEST EXCLUSIVE USE OF SOUND AMPLIFICATION

Date of Issuance \_\_\_\_\_

ON THIS PORTION OF THESE SIDEWALKS AND ON SIDEWALK

DIRECTLY ACROSS STREET

Uniform Bureau Deputy Chief \_\_\_\_\_

(TO S.) ON KIRKPATRICK

Police Stipulations \_\_\_\_\_

if checked see attached sheet

DURING SPECIFIED HOURS

TO be granted

\* WE REQUEST EXCLUSIVE USE OF THIS LOCATION FOR ACCESS TO FESTIVAL SITE DURING FESTIVAL, FOR SET UP TIME, + FOR FIRST AMENDMENT

\* ALSO SEE COMMUNICATIONS AGREEMENTS RELATED TO FESTIVAL + PARTIES  
James Deferio v. City of Syracuse, et al. (5:16-cv-00367-LFK-TWD) 0246

## NOTICE TO PARADE/PUBLIC ASSEMBLY PERMIT APPLICANTS

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Two events will not be allowed to use the same route/assembly location without written permission of both requesting organizations and the approval of the Syracuse Police Department.

### VEHICLE PARTICIPATION

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Contact information for Billing Purposes:

Name: CHARIS SHARPTEED Address: CNY PRIDE. PO BOX 6608 SYR 13217

Telephone Daytime: 315-435-2411 Other Telephone: 315-380-6445

E-mail SYR1mGuy@hotmail.com

Signature: Charis SharpTeed Title: PARADE CHAIR  
+ CNY PRIDE BOARD MEMBER

DEPOSITION  
EXHIBITGewanter 6  
5/2/17 1748

PERMIT # \_\_\_\_\_

PRIDE

3

REQUEST

SYRACUSE POLICE DEPARTMENT  
PARADE/PUBLIC ASSEMBLY PERMIT  
(CITY ORDINANCE SECTION 16-35)

Requesting Organization: <b>CNY PRIDE, INC.</b>	Name of Applicant/Representative <b>CHRIS STEPHENS, CHAIR PARADE</b>
Address: <b>P.O. BOX 6608</b>	Address: <b>212 W. MULROY RD</b>
Phone Business: <b>315-254-2386 / 315-380-1720</b>	Phone Business: <b>315-435-2411</b>
Phone Home:	Phone Home: <b>315-380-6445</b>
E-mail <b>Contactpage@cnypride.wix.com</b>	E-mail <b>Syrvmguy@hotmail.com *</b>

Date of Application: 6/16/15 Reason/Purpose of Application: FIRST AMENDMENT ACTIVITIES  
AT ENTRANCE TO PRIDE FESTIVAL**PARADE APPLICATION:**

Formation location: \_\_\_\_\_ Dispersal location: \_\_\_\_\_

Day/Date: \_\_\_\_\_ Start Time: \_\_\_\_\_ Finish Time: \_\_\_\_\_

Parade Route: \_\_\_\_\_

Continued \_\_\_\_\_ Sound System: YES        NO       

Estimated Number of Participants: \_\_\_\_\_ # of Motor Vehicles (See requirements on reverse): \_\_\_\_\_

**PUBLIC ASSEMBLY APPLICATION:**Explain the Public Assembly (concert, protest, demonstration etc) FESTIVAL ENTRY LOCATIONDate(s) of Assembly: SAT JUNE 20, 2015 Start Time: 10:00 AM Finish Time: 5:00 PMLocation(s) of Assembly: DRIVEWAY INTO INNER HARBOR PARK ON KIRKPATRICK AND ADJACENT SIDEWALKS FOR 40 FT TO EITHER SIDE OF DRIVEWAY ON N. SIDE OF KIRKPATRICK.Expected # of Participants: 3000  
Estimated Maximum #: 3500  
Estimated Minimum #: 1000Sound System: YES X NO        Speakers, names: ORGANIZERS + PERFORMERS  
(WITH FESTIVAL GRANDS ADJACENT TO THIS LOCATION)

WE REQUEST EXCLUSIVE USE OF SOUND AMPLIFICATION Date of Issuance \_\_\_\_\_

ON THIS PORTION OF THESE SIDEWALKS AND ON SIDEWALK DIRECTLY ACROSS STREET (TO S.) ON KIRKPATRICK

Uniform Bureau Deputy Chief \_\_\_\_\_ Police Stipulations \_\_\_\_\_ if checked see attached sheet

DURING SPECIFIED HOURS

TO Gewanter

James Deterio v. City of Syracuse et al. (2016-CV-00381 LEK-TAINTON) RELATED TO FESTIVAL + PARTIES

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Contact information for Billing Purposes:

Name: ALICE SHAPIRED Address: CNY PRIDE PO BOX 6608 SYR 13217

Telephone Daytime: 315-435-2411 Other Telephone: 315-380-6445

E-mail sypride@hotmaill.com

Signature: Alice Shapred Title: PARADE CHAIR  
+ CNY PRIDE BOARD MEMBER



Department of Neighborhood & Business Development  
Central Permit Office  
Stephanie A. Miner, Mayor

**Public Assembly Plan Review Comments for Applicant**  
(Revised 07/15)

Location of Proposed Work: N/A Kirkpatrick St W

Permit #: PC-0330-15

Permit Type: Public Assembly

Date: 06/14/2016

Contact: CNY Pride, Inc.

Phone #: 315-706-1091

The departments below have reviewed your application and provided the following comments.  
Approval is subject to the conditions listed below.

Approval	Status Date	Status	Reviewer	Comments
Police Department - Special Events	06/16/2015	Approved	Paul Kluge	
Central Permit Office	06/19/2015	Conditionally Approved	Sam White	Applicant is granted exclusive control to the entry area into the inner harbor festival area as well as the 40-feet on either side of the northern portion of Kirkpatrick street for the limited purpose of allowing exclusive use of sound amplification and access to the festival



MEETING AT PERMITS - PROS + SPD

5/20/16

NO F.

J HOLTZMAN

POLICE  
ISSUES

New ROUTE!

G. KLINE

OKLANDA

IM

RGB

BOUNDARY AT LINE UP SPARE ] EXCLUSIVE USE  
DESTROY PARKING LOT

EXCLUSIVE USE OF SIDEWALK  
40' ON EXTERIOR SIDE OF FAIRGROUND  
TO LOWER HARBOR PARK

EXCLUSIVE USE OF SIDEWALK AMPLIFICATION  
ON THOSE SIDEWALKS + SIDEWALK  
ACROSS THE STREET ON KIRKPATRICK

FESTIVAL AREA FENCES  
+ RESTRICTED ACCESS



WING NUT UPDATE + ANTI-CAMPING  
ANTI-TRANS PROTESTS?

SAM:

①

NEED TO GIVE OUT ADDITIONAL DOCS

1 APP COVER FESTIVAL + PARADE ↗

APP FOR EXCLUSIVE USE ASSUMPTION

SM

(2)

NOTIFICATION OF PEOPLE ALONG  
ROUTE

- NOTIFY HOTEL

SM TO COUNTRY GC BY EMAIL

SM

(3)

ROUTE MAP + TIMES

LINE UP 9 AM

PARADE

START 11

PARADE

END 12

WORKS ON PREMIS

REQUEST

SM

(4)

ONGOING CONSULT AGAINST CITY

BY RIGHT WING NUT (PREMIS INTENTION)

ONCE INITIAL STAGES OF CONSULT

OUTCOME SOON - MAY AFFECT 40'

SO PREMIS

NUT.

SUPPLY

(5)

FENCED IN - BOB STILL WAITING

ON BRITANNY IN PARKS

LT SAYS CHECK W/FIRE

INDE

PARK

(6)

ALTERATION LAST YEAR

w/ WING NUT.

Please trains people not to  
engage.

PARK

(7)

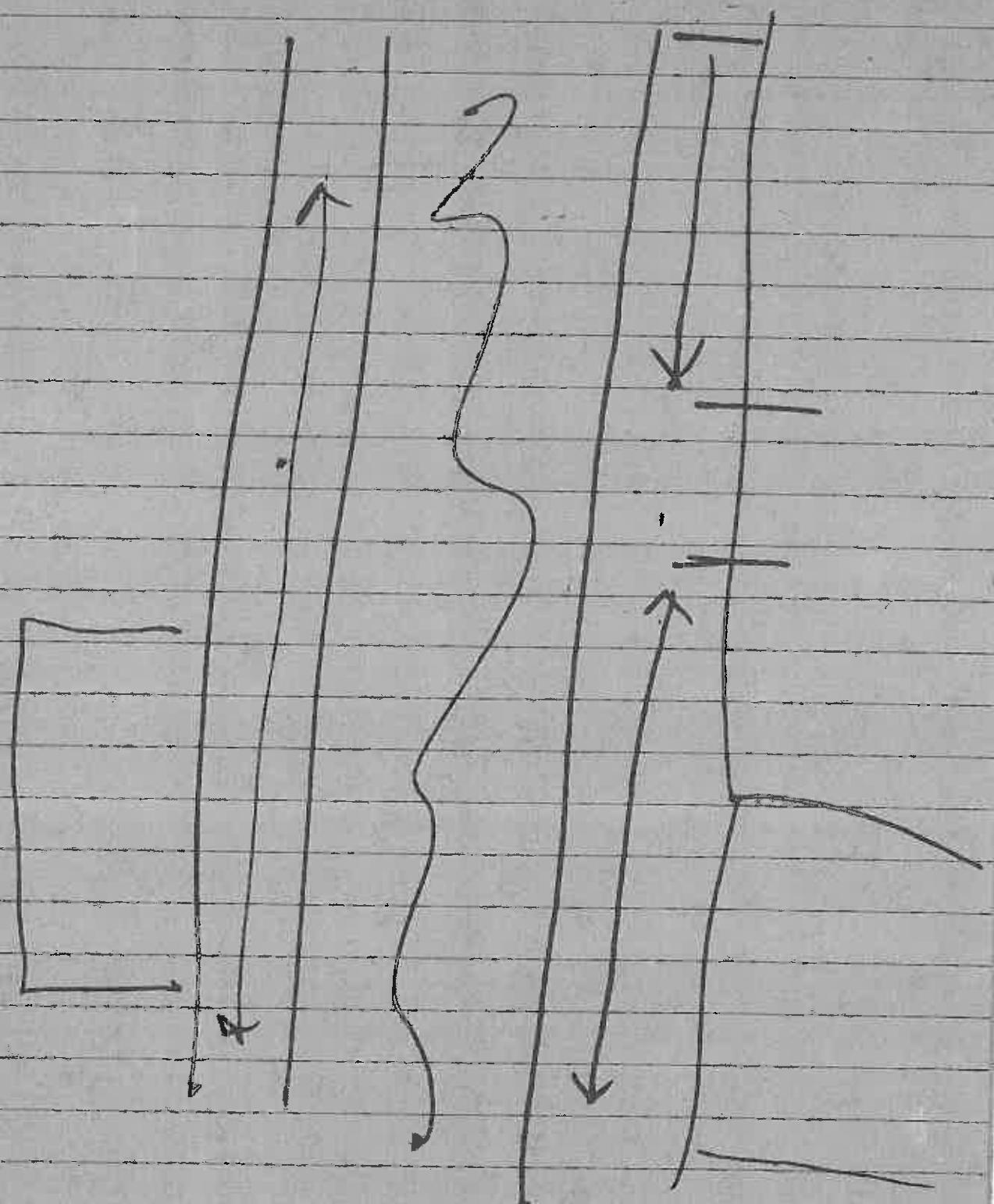
How many officers need at  
Parade w/ festival -> DUTY OF ONE

BOB - TRY TO MAKE IT ONE DUTY TO REDUCE COST  
OUTSIDE SECURITY IS CHESTNUT  
SECURITY

KINSE - ONE LOCATION -  
CONVENIENT TO HAVE ONE  
DUTY NOT 2

Same (3) Sounds Amputations - DEPENDS ON  
DECISION IN COURT

Point ⑨ Can't throw thumbs from Kestrels  
IF HAND THUMBS OUT at PARADE  
MAY BE EXTRA  
DPW CHARLIE STREET  
CLEANING





PERMIT # \_\_\_\_\_

SYRACUSE POLICE DEPARTMENT  
PARADE/PUBLIC ASSEMBLY PERMIT  
(CITY ORDINANCE SECTION 16-35)

Requesting Organization: <b>CNY PRIDE, INC.</b>	Name of Applicant/Representative <b>JAMES W. MARTIN II "JAYME"</b>
Address: <b>P. O. BOX 6608</b>	Address: <b>1412 TEALL AVE</b>
Phone Business: <b>315 - 706 - 1091</b>	Phone Business: <b>315 - 706 - 1091</b>
Phone Home:	Phone Home: <b>315 - 706 - 1091</b>
E-mail <b>INFO@CNYPRISE.ORG</b>	E-mail <b>JAYME3@gmail.com</b>

Date of Application: 4/18/16 Reason/ Purpose of Application: FIRST AMENDMENT ACTIVITIES  
AT ENTRANCE TO PRIDE FESTIVAL

**PARADE APPLICATION:**

Formation location: \_\_\_\_\_ Dispersal location: \_\_\_\_\_

Day/Date: \_\_\_\_\_ Start Time: \_\_\_\_\_ Finish Time: \_\_\_\_\_

Parade Route: \_\_\_\_\_

Continued \_\_\_\_\_ Sound System: YES  NO

Estimated Number of Participants: \_\_\_\_\_ # of Motor Vehicles (See requirements on reverse): \_\_\_\_\_

**PUBLIC ASSEMBLY APPLICATION :**

Explain the Public Assembly (concert, protest, demonstration etc) FESTIVAL EVENT LOCATION

Date(s) of Assembly: SAT 6/18/2016 Start Time: 10 AM Finish Time: 5 PM

Location(s) of

Assembly: DRIVEWAY INTO INNER HARBOR PARKING Expected # of Participants: 5000  
KIRKPATRICK + ADJACENT SIDEWALKS FOR Estimated Maximum #: 5000  
40 FEET TO EITHER SIDE OF DRIVEWAY ON NORTH Estimated Minimum #: 1000  
SIDE OF KIRKPATRICK \*

Sound System: YES  NO  Speakers, names: ORGANIZERS + PERFORMERS WITHIN  
FESTIVAL GROUNDS ADJACENT TO THIS  
LOCATION

**WE REQUEST EXCLUSIVE USE**  
**OF SOUND AMPLIFICATION**  
**ON THIS PORTION OF THESE**  
**SIDEWALKS AND SIDEWALK**  
**DIRECTLY ACROSS STREET**

Date of Issuance \_\_\_\_\_

Special Events Section C. O. \_\_\_\_\_

Uniform Bureau Deputy Chief \_\_\_\_\_

\*\*\*\*\* Police Stipulations \_\_\_\_\_ if checked see attached sheet

**\* WE REQUEST EXCLUSIVE**  
**USE OF THIS LOCATION FOR ACCESS**  
**TO FESTIVAL SITE DURING FESTIVAL**  
**FOR SET UP TIME + 1ST AMENDMENT**  
**ACTIVITIES RELATED TO FESTIVAL PARTICIPANTS**

James Deferio v. City of Syracuse, et al. (5:16-cv-00361-LEK-TWD)

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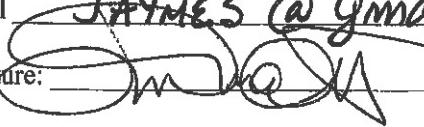
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#### Contact information:

Name: JAMES W. MARTIN II Address: 1412 Tenth Ave. SYRACUSE, NY 13206

Telephone Daytime: 315-706-1091 Other Telephone: \_\_\_\_\_

E-mail JAYME3 @ gmail.com

Signature:  Title: PRESIDENT

PC - 037416  
1  
1  
1  
1  
1



Department of Neighborhood & Business Development  
Central Permit Office  
Stephanie A. Miner, Mayor

**Public Assembly Plan Review Comments for Applicant**  
(Revised 07/15)

Location of Proposed Work: N/A Spencer St

Permit #: PC-0374-16

Permit Type: Public Assembly

Date: 07/21/2016

Contact: CNY Pride, Inc.

Phone #: 315-706-1091

The departments below have reviewed your application and provided the following comments.  
**Approval is subject to the conditions listed below.**

Approval	Status Date	Status	Reviewer	Comments
Police Department - Special Events	06/10/2016	Denied	Paul Kluge	Per Sam White. Per Court decision.

